App. F. IX-4

Previous References

1939.
(9)
Legis

File No. 10—3[redacted]
Serial Nos. 1

Later References.

PRESERVE

(29)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part B for July 1939

SUBJECT.

Workmen Compensation Act (XIX of 19[redacted]

P. 212 of 12-7-39 Re The Compiler, Mysore Gazette
Orders for publication Act further to amend
the Workmens Compensation Act, 1928.

WD 0573—GPB—22,500—12-9-39

B.D. Shanbhag
22-12-39

Serial No.

Letter dy 22-5-36 from Sec to the Madras Revenue Board Assocn. suggesting that the time for advising Circulars to occupational diseases may be extended the existing conditions are satisfied.

The conditions to be satisfied before compensation is allowed for diseases in are, according to the Assocn. :—

(i) Investigations about the incidence of the Disease.

(ii) Regulation for protection of workmen from dangerous dust &

(iii) adequate arrangements for correct diagnosis.

A Committee was appointed in April 1931 to enquire and collect data about the existence of the disease in K. G. F. & report about the desirability of declaring it as

NOTE—Contn. Sheet.

[illegible]

[illegible]

[illegible]

Suggestions of the Madras Accident Insurance Ass^n in re. the Bill to amend the Mysore W.C. Regulation

General and Revenue Secretariat | File No. | of 193 | [App. F. HH-2

Serial No.

The letter from the Madras Accident Insurance Association is submitted for perusal.

Safeguards suggested in the letter initial & periodical medical examinations are provided in the Bill as amended by &c.

The second para letter is against the inclusion of Silicosis. Legislation was introduced after consulting the Mining authorities & the Medl dept.

Dear Sec)
II Member)

6
26/5/36

When the interview referred to para one took place, I explained the position to him and told him that it was too late to think of any changes in the Bill. I told him however that Govt will be glad to consider any suggestions they may put forward in regard the framing of the rules. They would have the opportunity when general criticism was invited but it would be more helpful if they made their suggestions in advance.

But the association's letter not in a helpful spirit. If asked they will be advised to take position

Secy Member)

OFFICE OF THE SECOND MEMBER OF GOVT.
27 MAY 1936
No. 926

NOTE—Contn. Sheet.

WD 01536—GPB—7,500—5-4-34

27.5.36
28/5/36
28.5.36
27.5.36
28/5

5 09
35

File No of 193

General and Revenue Secretariat

Submitted a draft Despatch

J.

29/5

Received P 7 9 7, 29/5/36

TYPING SECTION
29. MAY 1936
GENL & REV. SECTT.

Links b

Y.L. 11-5-36

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No.

FILE HEADING

Rules under the Workmen's Compensation Act, [illegible]

FROM

The Secretary, Messrs John Taylor & Sons Committee, Oxford

No. Letter Dated 27.7.36 Received

Diary No. 5547 Enclos. Spare copies Serial No.

BRIEF ABSTRACT OF LETTER

Requests that they may be given some more time for submission of the suggestions by the Mining Companies with regard to the rules proposed to be issued by Govt. under the W. C. Regn.

NOTES AND ORDERS.

1) The question of issuing rules has to be taken up after the Bill has been duly promulgated into law. If approved the Govt. Bill will be requested to kindly state when the present stage of the Bill Subd for orders.

29/7/36

2) Secy (Leg) 30.7.36

NOTES—First Sheet

1 Rules under the Workmen's Compensation Regulation

926

File No. of 193

General and Revenue Secretariat

3) I have Mr Hudson that Govt will be glad to consider any suggestions in regard with framing of rules which the Mining Companies may put forward.

4) The reply may be filed.

Secy Mines

MW. 30.7.36.

W 31.7.36

OFFICE OF THE SECOND MEMBER OF COUNCIL. 31 JULY 1936 NO 798

MW 31/7/36.

MW 1.8.36 — Issued Letter No 23 of 1/8/36 to the Secy. Mines

W. 1.8.36 — To John Taylor & Sons' Com. as per order of Secy.

Means John Taylor and Sons' Committee

Org. Gam:

Letter dt 7.8.36 forwarded for Govt's Consideration a Memorandum containing Suggestions of the Company re the Rules proposed under the Workmen's Compensation Regn.

11/8/36

(5) Receipt of this letter may be suitably acknowledged at once

4 AUG. 1936 GENL & REV. SECTT. DEVELOPMENT BRANCH

(Sd) M.V. 8/8

(6) Draft Ack'd

Secy Mines W. 8.8.36

8/8 MW 8/8

7 MW 8.8.36

1130 878

Letter No D. 1160 Dt 11-8-36

To The Secy. Mines. John Taylor and Sons' Committee, Organ

Acknowledges the receipt of the letter and States that the points urged therein will be duly considered in framing the rules.

8 Issued W 10-8-36

10 PRINTING SECTION 10. AUG. 1936 GENL & REV. SECTT.

Secy 11/8

Rules under the Workmens Compensation Regulations

Serial No.

~~Draft A~~

9) Draft calling for the necessary Draft Rules under the new Regn is sub'd

18/8/36

Dir Secy 19.8.36

W 20.8.36

Issued
20.8.36

14 MAR. 1936 4627

14413/1936

TYPING SECTION 4.20 20 AUG. 1936 GENL & REV. SECTT.

12 Letter No D.1500 dy 26.8.36 To The Dir. Gen. fr Memorandum of suggestions received from the Secy., Messrs. John Taylor & Sons' for consideration while framing the rules

SECRETARIAT 29 AUG. 1936 DEVELOPMENT BRANCH

15 From the Secy, Messers John Taylor & Sons' Committee

Letter dy 24.10.1936

Refers & his letter dy 7.8.36 suggesting certain points in connection with the framing of rules under the W.C. Amending Regn & asks that Medical Exam'n in regard to S.H. Cases should be done & that there should be a time limit within which the workmen may have to get examined.

P.T.O.

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

Rules under the W.C. Amending Act III of 36.

No. File No. of 193

General and Revenue Secretariat

(12) Draft acknowledgment as drafted by
the Secy is submitted with a
view to the Director of Ice to expedite
the draft rules. (13) Issued
by CB by
5/11/36 5.11.36

To the Secy Messrs John Taylor & Sons'
Committee letter No W 3119 of 7.11
Acknowledges the letter of 23.10.36
& states that the question will
receive early attention

From the Chairman & Agt Secy
The Madras Accident & Insurance Assn
Ltd letter of even no. & 7.11.36
Invites reference to his letter of 23.9.36
(with a copy of the same enclosed)
& requests an early reply

(14) Orders of Secy on the letter
Please acknowledge receipt & work up

(15) Draft failed,
by CB (After issue copies of this
11.11.36 letter & the letter of the Secy
Messrs John Taylor & Sons' Committee
will be sent to the Director of Ice for expediting
the draft rules called for already)

16 Issued
by
11.11.36

TYPING SECTION
6. NOV. 1936
GENL

TYPING SECTION
11 NOV 1936

Parts under the W.C. Amending Act

General and Revenue Secretariat | 16 | File No. | of 193 | [App. F. III.

Serial No.

To The Chairman & Mg Secretary
The Madras Accident Insurance
Ass^n, Madras
No D 3206 d 12.11.36
Acknowledges receipt of letter d 28.10.36
& hopes that the points raised
therein will receive early
attention

(14) Draft to the Director of
Reminding & sending the Latin
letters in continuation, dated
by CB.
2/12/36

by Issued
CG
2.12.36

Other linked file
kept back

18

To The Dy Sec
No D 3711 d 4.12.36
Rec forwarding copy of letter d 26.10.36
from the Secy Messrs John Taylor & Sons
letter dy 28.10.36 from the Chairman
& Mg Secy Madras Accident Insurance
Ass^n & requests him to take these
suggestions made therein into consideration &
amend the Rules Draft
& forward the revised rules very early.

P-F

NOTE—Contn. Sheet.

WD 0417--GPB—30,000—8-9-36

10

Rules under the W. C. Amending Act III of 36

2920

12 File No. 113 of 193 5 — General and Revenue Secretariat

Serial No. 19

From the Chief Inspector of Mines
D.O Letter No 1226 D 2/12/36
Enquiries if any rules have been
prescribed in regard to Medical
Examination of workmen in pursuance
of Sub Sec 2^A (annexed to Sec
3 of the W. C. Regn

9) The Draft Subdn
by CB
10/12/36

10) Issued
W
10.12.36

20

To the Chief Inspr of Mines
No D 3857 D 12/12
Forwg him Draft the question of
framing rules is under consideration
by the Govt & he who has been
requested to expedite their submission.
Copy to the Govt I/c
No D 3852 D 12/12

From the Director of Agr
No 9-1-290/35-36 D 13-5-37
To draft rules under the Workmens
Compensation Regulation no XIV/1928 as amended
by Regulation III/1936 with a draft
form of a Statement to be submitted by
the employers under Sec 10A of the amended
Workmens' Compensation Regulation and Rules.

Govt
30/12/36

7063-
P 1935

Rules under the Workmen's Compensation.

General and Revenue Secretariat — File No. 113 of 1935. — [App. F. II—

Serial No.

that the rules relating to Silicosis will be carefully examined and a report made separately.

2) The draft rules were called for in this office letter of 26.8.36 and the Director was asked to examine the suggestions made in the memorandum received from the Secretary, Messrs John Taylor & Sons Committee in connection with the disease 'Silicosis'.

3) The draft form of a Statement to be submitted by the employer under sec 10(1) of the Act was called for in this office letter of 3.11.36.

23) These file may perhaps be referred to the Law Section of the Protection Branch for opinion in favour of scrutiny

MKG 15/6/37 (Asst Secy Law) WC 17.6.37

24) Please put up the Workmen's Compensation Act and the Rules framed thereunder as in force in British India.

30/ Law BKR 18.6.37

BKR 23.6.37

Dev: Branch)

25) Mr P. Ramaswamy's book on Workmen's Compensation Act is in the Library & may kindly be obtained from the Library.

Asst 3.7.37 (Pro Asst)

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

7663/36
P 036

Rules under the Workmen's Compensation Amending Act IV of 36

I & C File No. 113 of 1935.

General and Revenue Secretariat

Serial No.

"C) Submitted

27) A Copy of the Workmen's Compensation Act by Mr. P. Ramanatha Iyer obtained from the Library is put up

28) Power to make rules conferred by Section 31 is subject to the condition of previous publication and at least 3 months time has to be given for inviting objections and suggestions

29) It is true after observing the necessary preliminaries Rules have been issued in 1929 vide Notification No. A. 8914 - Doc 485-29-11 dated 26.2.29.

30) As the Regulation has since been amended, it has become necessary to frame additional rules and modify some of the existing Rules. And it is only the drafts of these additions and alterations that have been published in the Gazette. The draft rules submitted by the Director of Industries and Commerce incorporate the proposed additions and alterations and read as though the Rules under

Serial No.

the Regulation are framed now for the first time.

31) It would greatly facilitate the scrutiny by the Law Section, and later on the publication in the Gazette, if the proposed additional rules and forms and the changes in the existing rules are separated.

BKR
17.7.37

Under Secy
Dir Pol
WS

32) The Dir I&C will be requested to submit revised draft rules as suggested at A

Dir I&C
17.7.37

33) MW 16.7.37

by 16.7.37

34) Submitted with draft letter
MKS 17.7.37 No. No. 43/PI/37-3(d)/20/1695
Form forwarded with compliments of the Dir I&C for favour of early submission of revised

NOTE—Contn Sheet.

WD 23594—GPB—30,000—18-7-35

1095 pbs.

Amendments to 6 355
Workmen's Compensation
Rules

94 C File No. 113 of 1937. General and Revenue Secretariat

Draft rules. D.O.

R. Sievers
Under Sec
19.7.37

U. O. File No. 8 of 1937-38 dated 6th Aug. 1937

Returned with compliments.

Revised draft rules showing separately the proposed additional rules and forms and the changes in the existing rules as desired by the Law Department are put up for needful action.

M. Venkatarama
Director
of Industries & Commerce. 6.8.37

OFFICE OF DIRECTOR I. & C. No. 8 DATE 21 7 37

Mdu 21/7/37

Mdu 21.7.37

The papers may perhaps be referred to the Law Section with regard to para 31 on the previous page.

Dy 13/8/37

Asst Secy (Law) NC 16.8.37

Dy 16/8

The draft rules and forms are all right. I have made few corrections in pencil.

Under Section 31 of the Regulation, the rules require previous publication.

DSR 18.8.37

Under Secy
Dev Dr
WL

GOVT. SECRETARIAT 19 AUG. 1937 DEVELOPMENT BRANCH

Dy 19.8.37

1.95/p87

Amendments to Workmens Compensation Rules

General and Revenue Secretariat — File No. 113 of 1935 — [App. F. III–2

Serial No.

Subd with a draft notifn for orders

DMC 28/8/37 The draft rules have been scrutinised. The draft notifn may be approved.

DW Reg 29/8

Secrets see a set of rules in conformity the amending & modifications.

MW. 28.8.37.

Reg 28.8.37

The Set of rules is flagged & and the file is submitted.

DMC 28/8/37 DW Reg 29.8.37

Secretary

MW. 28.8.37

Reg 28.8.37

1/9/37

MW 1.9.37

Issued Reg 1.9.37

22 To the Compiler Mg.

No D. 2260 & 13.9.37.

Notifn the draft amendments to the W.C. Rules 1929. & calls for objections and suggestions for consideration & sent before 1.12.37

NOTE—Contn. Sheet.

Sec'y

2693/D

9k File No. 11 3 of 1935

General and Revenue Secretariat

Serial No.

From the Secy. Messrs John Taylor & Sons
Committee, Oorgaum.
Letter d 18.11.37

Makes certain suggestions ~~&c~~ in form A of the draft amendments to the WC rules.

Dy Secy's Orders on the Note.
'Please acknowledge receipt.

Dft letter ackg subd.

Inws 19.11.37

Dy Secy for appl
19.11.37

To the Secy John Taylor & Sons Committee
Oorgaum
No. D. 3870 d 22.11.37

Acknowledges receipt of the above Note, that his suggestions will be duly considered.

The date fixed for receipt of any objections or suggestions is 1st December 1937. The file will be kept in your ~~office~~ file that date and all the suggestions received by that date will be submitted with a note.

Inws 25.11.37

Dy 25/11

From
The Secretary, John Taylor & Sons Committee
Oorgaum
Letter d. 23/11.37
Acknowledges the receipt of the above letter.
Subd for perusal.

Dy 30/11

Inws 30/11/37

TYPING SECTION
22 NOV 19
GENL. & REV. SEC.

Rules under the Workmen's Compensation Act

General and Revenue Secretariat | File No. 113 of 1935. | [App. F. III

Serial No.

The date fixed for receipt of objections & suggestions to the proposed draft rules under the W.C. Act is over and the only reference received in the matter is from Messrs John Taylor & Sons' Committee, Organisers.

Dept forwards a copy of the Co's letter to the Director &c. is invited for Consideration.

10.1.38.

The suggestions made by the Committee refer only to Form A, and are of a merely minor alterations or additions. They may be accepted. Copy of the Dir. &c does not seem to be req.

11-1-38

Dep. Secy)

The changes may be advised.

Secretary

12-1-38.

13/1

13/1/38

13.1.38.

13/1

The changes have been inserted in form A of the draft rules.

Dept final Notification is invited

14-1-38

Dep. Secy.)

14.1.38

Vide page 5 of the draft rules.

NOTE—Contn. Sheet

24-1-38

OFFICE OF THE SECOND MEMBER OF COUNCIL, 13 JAN. 1938 S.O.S.

TYPING SECTION 20 JULY 1938 GEN. & REV. SECTT.

3246 1-38 1000 D 0284—GPB—30,000—13-8-37

5709

Jra File No. 113 of 1938.

General and Revenue Secretariat

To the Accountant Genl. 32

Notfn No D.666 & 25.7.38

Notifg the amendments to the rules under Sectn 31.(1) of the W.C. rules.

For copy & the Sanction of Govt for the

No D.667 & 25.7.38

A printed copy of the ~~rules~~ amended rules is put up this may be recorded.

JRS 24/8/38

GEN. & REVENUE SECRETARIAT. 2 AUG 1938 DEVELOPMENT BRANCH.

Serial No.

From the Director, Fisheries
letter No. 71-120/36.37 dt 11.4.39
with his opinion
forwards further remarks of the Munsiff on the draft fisheries rules submitted by the Fisheries Committee

The draft rules have been referred to the Law Secretary on 12.4.39.

15.4.39

The views at para 4 of the Director's letter may be accepted.

The Law Secretary may be consulted on the two points also; & the draft rules have been sent to the Addl. Secy-Law for remarks.

Addl. Secy.)

S-142/1714.

Prot. Br.)
18/4

18.4.

This will be linked with the main Bill file wherein the rules also are to be found.

4.5.39.

WD 0544—GPB—30,000—2-9-38

appointment of a Special Committee

General and Revenue Secretariat

File No. 113 of 1935 [App. F. III–2

Serial No. 33

From the Director of Ind.

Letter No. 71/120/36-37 & 28.7.38

Requests orders for appointment of a Special Committee with the Hon'ble Member and a representative of the Mining Board and with the Director Ind. as Chairman for consideration of the Silicosis rules and the W.C. Act III of 1936.

The Connected file is put up. In this office letter No. D.3852 & 12.12.00 the Director was requested to forward a set of rules for dealing with cases coming under the disease 'Silicosis' under the Workmen's Compensation Act III of 1923. It is stated that rules have been framed but on account of the complicated nature of the rules, they require to be considered by a Special Committee appointed with members mentioned in the Director's letter. Submitted for orders.

Delay explained.

MWJ 24.8.38

16/8

412/25/X

Dev. Secy.

Mayne agreed

See Memo

NOTE—Contn. Sheet.

16/18/10

16/14/10

SECOND MEMBER OF COUNCIL. 14 OCT. 1938 No. 2662

564/D Draft Silicosis Rules

File No. 113 of 1935

General and Revenue Secretariat

Serial No.

5 Offs. to subs to appl. Who is to represent the Mining Bd is also to be settled perhaps.

18.10.38 19/10

SECOND
20 OCT 1938
No. 29/9

6 Medl. Dtr. may be addressed about the representation of the Mining Bd.

7 The place of mtg., the approximate date when the rules report may be sent, the Chairman & his Committee needs to be specified in the G.O. itself.

8 The Jail Secy. may also be consulted on the question of cost re: T.B., & D.A. in cases in regard to the Govt. Offrs. & also for the Mining representative.

The Govt. servants who are entitled to D.A. while drawn his salary from their budget-the Mining Board will have to pay for its representative

KS 19.10.

Dy Secy. 19/9/1938

9 Draft for appl 2nd members) on 19/10/38

KS 20/10

10 It would be better to address the Mining Board by letter informing them of the proposal to constitute a committee

Serial No.

for this purpose and inviting them to nominate a representative to be appointed as a member of the Committee

22/10/38

25/10/38

Draft Letter Dated.

25-10-38. Revised draft Dated as instructed by the Asst Secy

26-10

26-10

To the Director &c

Letter No. D. 3962 of 5.11.38.

Requesting him to address the Mining Board in the matter of nominating a representative on the Board.

To the Director &c

D.O. No. D. 5085 of 5.12.38.

States that Dr O'Donnell will be nominated as a Representative of the Board. and that the first meeting of the Committee may be so fixed as not to fall within the dates

SECRETARIAT. DEVELOPMENT BRANCH.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

3057/D

Appointment of a Committee to consider the rules on Silicosis under W.C. Act

9k File No. 113 of 1935.

General and Revenue Secretariat

26th Dec. 38 to 11th Jan 39 as he is not likely to be in the station during that period.

13 Dr O' Donnell may be appointed to be Representative of the Board on the proposed Committee. In the Secy's letter of 5.12.38, the Director has been asked to fix the date of the first meeting of the Committee not to fall within the 26th Dec. to 11th. January as he is likely to be absent. The Board's proposals are not definite about the period of his leave.

14 The third para in the draft G.O. requires to be omitted and the name of Dr O' Donnell inserted in the place of the Representative of the Mining Board.

Submitted for orders.

10/12/38

15 Draft may kindly be approved.

Dev: Secy

For approval

11 12.12.38

11 members) 17 13-12

18 Issue 14/12

OFFICE SECOND MEETING 12 DEC 1938 No. 4766

2809 of 12

Appt of a Committee [illegible]
Examine the Draft Silicosis R

General and Revenue Secretariat | File No. 113 of 1935. | [App. F. III–2

Serial No. 36

To the Director of Ind. & Comm [illegible]
" Workmen's Compensation.
" Surgeon
" Director of Public Health
" Chief Inspector of Mines & Explosives
" Comptroller.

G.O. 20D 5899-52024 dt 15.12.38
Appointing a Committee of Members to examine the Draft Silicosis rules.

(9) A copy of the G.O. may be sent to the Secy, Mining Board, for information regarding appointment of Dr. J. D. O'Donnell as a Representative of the Board on the Committee.

Draft is forwarded for orders

20 June
16/6

Issued no. D. 5576 dt 19.12.38

[illegible] SECRETARIAT
[illegible] DEC [illegible]
DEVELOPMENT BRANCH

From the Secretary, Mining Board, K.G.F.
Letter no 205-(a) dt 10-1-39
Regarding that Dr W.B. Rowntree or his nominee may be appointed as an additional member on the Committee for examining the Draft Rules on Silicosis.

21 Dr. J. D. O'Donnell has [illegible]

NOTE—Contn. Sheet.

28

564.7
305
3690

Appointment of Committee for examining the draft rules on Fisheries

MC File No. 113 of 1935

General and Revenue Secretariat

Serial No.

appointed as a representative of the Board to serve on the Committee. Dr ~~Doorbe~~ Roan

~~is not~~ as his nominee is proposed to be appointed as an additional member on the Committee.

22 The Director of MC. may perhaps be consulted as to the necessity for appointing an addl. member as suggested

23 Submit for orders

MWD OK 16.1.39.

16/1

Dav Secy.

24 The Mercy Branch represented by [illegible]

MW 16-1

16/1/39

MW 18.1.39

19.1.39

25 Issue

Addsec for. and a draft letter to the Secy Mercy Br. are submitted for appr

MWD 20.1.39

23/1

27

23/1

Dr Secy.

28 MW 7.2.

29 Issues

3806
24.1.39

16/8/39

OFFICE OF FIRST MEMBER JAN 17 1939 No. 5660

TYPING SECTION FEB 1939 GEN. & REV. SECTT.

Serial No.	
38	G.O. no. D. 7442-8 & 14.2.38 to the Director of Mines and Geology. Surgeon, D.P.H., Chief Inspector of Mines and Explosives & Comptroller. Appointing Mr Rountree as an additional member on the Committee
39	To the Secy, Mental Board, K&J. letter no. D. 7449 & 14.2.39. Forwards a copy of the above G.O. with reference to his letter of 10.1.39. Do. do. — Acknowledges receipt of the above.
	30 Submitted for perusal with previous papers on the subject.
	31 Submitted for orders the report of the Committee together with a draft set of Rules as approved by the Committee with certain amendments to the W.C. Act as suggested by the Committee.
	32 Sclerosis is one of the diseases mentioned

GENERAL & REVENUE SECRETARIAT 23 FEB. 1939 DEVELOPMENT BRANCH.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

6362/P

File No. 113 of 1938. General and Revenue Secretariat

in the list of occupational diseases under Schedule III of the W.C. Act.

While draft rules have been proposed for dealing with cases of silicosis, the amendments to Sections 2 & 17 A of the Act have also been suggested for orders. The amendments should have to be dealt with in accordance with the revised rules laid down in G.O. No. P. 362-70/Legis 1-30-1 dt 16-7-30.

33 Do perusal

34 The amendments will be taken up immediately so as to bring them before the Ensuing B.A. & L.C. sessions. There are consequential to the introduction of the rules, and should precede the promulgation of the rules. The amendments can be passed at one sitting of the L.C. in view of the urgency.

Dev Secy)

35 The legislative Dept may be asked to expedite amendments suggested

Prom. Br)

REV. SECRETARIAT. 14. APR. 1939 GOVT. OF MADRAS

Serial No.

36 Clause 1: In the suggested addition to Schedule I (clause 3 silicosis in the secondary stage is said to amount to 100% loss of earning capacity. The existing proviso to cl 1 of section 2 provides for 100% loss being treated as total disablement. If the proviso is made to include a single injury in addition to the Combination of injuries already provided for therein, the suggested cl 1(b) may perhaps be unnecessary. The Proviso would then read as follows:

"Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any injury or combination of injuries specified in Schedule I where the percentage aggregate percentage of the loss of earning capacity, as specified in that Schedule against such injury or injuries, amounts to one hundred percent;"

37 Clause 2

It is not usual to mention specific rules in an Act the flexibility which attaches to rules would then be lost. The object of this clause will perhaps be served by adding a subsection to Section 31 (Power to make rules) as follows instead of the suggested addition to Section 1—

"(3) Rules made under this Act may provide that any Contravention of such rules shall

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

5 & 1 / 19 — J 5956 — 6262

Workmen Compensation (amendment) bill

File No. of 193 — General and Revenue Secretariat

DEWAN'S OFFICE
9 MAY 1939
No. 42

OFFICE OF THE
FIRST MEMBER OF COUNCIL
MAY 5 1939
No. 8697

render the offender liable, on conviction before a magistrate, to a fine not exceeding one hundred rupees."

38 The two suggested provisions could then go into the rules.

Doe 17.4.39. 39 Before this Bill is introduced in the Lc it will have to be cast in proper form.

40 put up a note bill on the above lines

hg 18.4

41 A draft Bill on the above lines is put up.

Doe 19.4. 42 The note now put up appears to be suitable to carry out the recommendations of the Committee

Dew Dr)

see Secy)

hg 22.4.39

5298 24/4

43

Forwarded

MW 5.5.39.

Returned to Post Br. as required for dealing with the note from the Kolar Mining Board. 16 4/5-

16 4/5

44 Bill

5/5/39

Dewan

MW 6.5.39

16 8/5

45 Bill

9-5-39

46 Secy. Dewan

Chief Secy. will consider

Draft as circulated

MW 11.5.39

Subd Civ. matters is up to Secy.

16 11/5

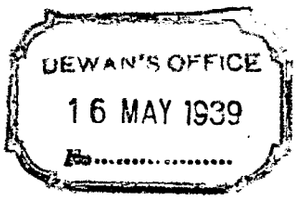
11/5

For Disposal by Circulation. **No. C. 480**

of 1938-39

GENERAL AND REVENUE SECRETARIAT

Council Matter.



Subject

Bill further to amend the Workmen's Compensation Act, 1928.

Circulated to the Members of Council.

By Order,

11th May 1939. *Chief Secretary to Government.*

First Member of Council. Seen.

39 **Second Member of Council.** J.C. 12.5 48

49 Secretary to Govt., Dev Deptt., with compliments MK 13.5.39

50 XXX D.F.N. MW. 13.5.39.

51 Today. 16/5/39

51 D.F.N. for Comments 11/5. 13/5

Dev Secy

Financial 53 MW. 13.5.

-8957 14.5.39

54 Signed F.N. Kept in file. S. N. put up.55

blG 15/5/39 Dewan) MK 15/5/39

Final Note by the First Member of Council.

Subject.—

Bill to amend the Workmen's Compensation Act of 1928.

56 A memorandum was received from Messrs. John Taylor and Son on 27th July 1938 on the introduction of legislation governing th grant of compensation to workmen found to be suffering from Silicosis.

57 The framing of rules regarding Silicosis was considered urgent and the Director of Industries and Commerce suggested that the draft rules might be framed and carefully examined by a speci Committee before adoption. In Government Order No.D.5399-5404/ I.& C. 113-35-36 dated 15th December 1938 a Committee was accordingly appointed to examine the question and draft the Silicosis rules. The Director of Industries and Commerce reports that the Committee find it necessary to amend the Act in a few points and submits for orders their report together with a draft set of rules and draft amendments to the Workmen's Compensation Act of 1928.

58 With the concurrence of the Dewan and the Second Member of Council, I solicit the gracious approval of His Highness to the general principles of the bill being placed before the ensuing Representative Assembly and the Bill itself before the next Legislative Council.

N. Madhava Rau

MEMBER OF COUNCIL.

Bangalore,
15th May 1939.

Submitted to His Highness.

59 *I submit herewith a Final Note by the* First *Member of Council* regarding Bill to amend the Workmen's Compensation Act of 1928

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

16. 5. 39

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to amend the Workmen's Compensation Act of 1928.

60

Order.

~~K R W~~

19/5/39

/ No. 781

5950

C480

General and Revenue
Secretariat.

SUBJECT:—

Bill to amend the Workmen's Compensation Act of 1928.

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31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders ~~before/after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

62 *Chief Secretary to Government.*

Through the Secretary to Government,

.....Department.

63 22.5.39

9251/22.5.39 FIRST MEMBER OF COUNCIL. 64 22/5/39

A1310/23.5.39 SECOND MEMBER OF COUNCIL. 65 23/5

66 Secy. to Govt., Dev. Dept., with compliments

23/5

67 This may now be sent to the Law Secy for necessary further action. Statement of objects & reasons is also put up

68 Dev. Secy. 11/5

5944/24.5.

24/5

NOTE.—Contn. sheet

WD 0579—GPB—375—20-12-38

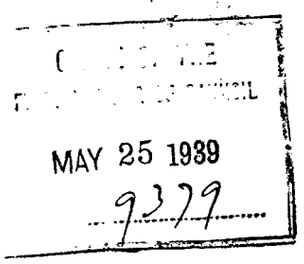
35

Workmens Compensation (amendment) Bill

General and Revenue Secretariat | File No. | of 193 | [App. F. III–2

Serial No.

8738



Submitted for order whether the Bill and the Statement of objects and reasons may be published under rule 8 of the L.C. rules.

Sd/-
25.4.39

May be published
(Mr Menon)
Dewan

Sd/-
25.4.

70) Nil
26/5/39.

71) Sd/-
26-5-39

Issued P 62-28 Dated 27.5.39
to Compilation Supplement Gazette
& transln. sn.

Dev Bor.

72) The Bill was published under Rule 8 of the Rules of Business in the Gazette extraordinary dated 27.5.39.

The general principles of the Bill were placed before the L.A. at its recent session and accepted by that house without discussion.

73) This is a short bill. Further at para 34 of the notes it is stated that the amendments ought to be passed at one sitting of the L.C. The following motions are put up for inclusion in the Agenda of the ensuing session of the L.C.

1. Motion that the Bill, published under rule 8 of the Rules of Business, be read in Council

Mover – 1st Member

Seconder – Development Secretary.

NOTE—Contn. Sheet.

6 36 v/p

36 Workmens Compensation (amendment) bill. (14)

File No. of 193

General and Revenue Secretariat.

Serial No.

OFFICE OF THE FIRST MEMBER OF COUNCIL JUN 15 1939 No. 9817

DEVELOPMENT SECRETARY, 14-6-39 TO GOVERNMENT OF MYSORE.

2 - Mohan that the Rules of Business and Standing orders be suspended and the bill taken into Consideration at once, without reference to a Select Committee

Mover - 1st Member

Seconder - Development Secretary.

3. Mohan that the bill be passed

Mover - 1st Member

Seconder - Development Secretary

Rao 15-6-

2nd Member (Through Dev Sec) Ce 14/6

DSR 14/6

Rao 14/6

1st Member)

OFFICE OF THE SECOND MEMBER OF COUNCIL 15 JUNE 1939 No.

Ce 15/6/39

Ce 15/6

74)

The Bill was introduced in the Legislative Council in June 1939 and passed by it at one sitting after suspending the Rules of Business and Standing orders.

A.D.J.R. is put up for order.

OFFICE OF THE FIRST MEMBER OF COUNCIL JUN 29 1939 No. 10377

Rao 28.6.39

DSR 28/6

Dew Secy

75) 1st Member) Ce 28/6 DSR 4.6

Signed 7 R is kept in file

Ce 30/6

6362 Workmen's Compensation amendment Bill. 37

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

767 S. N. Smith
Deccan)

6/3076

10KR
30.6

21

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

Final Note by the First Member of Council.

Subject.—

Promulgation into law of the Workmens Compensation (amendment) Bill.

On the 19th May 1939, gracious sanction of His Highness was accorded to place the general principles of the Workmens Compensation (amendment) Bill before the Representative Assembly and to introduce the Bill in due course in the Legislative Council. The general principles of the Bill were accepted by the Representative Assembly at its recent session. Thereafter the Bill was introduced in the Legislative Council on the 21st June 1939 and passed by it at one sitting.

Para 72 of 1065

Para 74 of 1065

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

MEMBER OF COUNCIL.

Bangalore,
30th June 1939.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* promulgation into law of the Workmen's Compensation (amendment) Bill *for His Highness' gracious approval.*

Bangalore,
30th June 1939.

Mirza M. Ismail
Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Workmen's Compensation (amendment) Bill.

NO-12

Order.

3/7/39

4.7.39

General and Revenue
Secretariat.

H H. 12

SUBJECT:—
Promulgation into law of the Workmen's Compensation (amendment) Bill.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

6.7.39

117
5.7.39

FIRST MEMBER OF COUNCIL.

5/7/39

213
6.7.39

SECOND MEMBER OF COUNCIL.

6.7

Prohi. Branch.

6.7.39

4 7/7
8/7

NOTE.—Contn. sheet

WD 0579—GPB—375—20-12-38

Workmen Compensation (amendment) Act

General and Revenue Secretariat | Legislative File No. 10 of 1939. | [App. F. III-2

Serial No.

The gracious assent, His Highness was awaited on 3.7.39 to promulgate the Bill into law.

A draft G.O. directing Publication of the Act as Act XIX of 1939 is put up

Law Secretary) 3/7

10.7

21/7

3/7

12.7.39

Issued G.O. P 212 Legis 10-39-1 dated 12.7.39

The Act has been Published in yesterday's Gazette (27.7.39) in Pt IV.

The file may, if approved, be sent to the Dev. Dept for orders and return.

Papers in this file relating to Rules that have to be framed under this Act, may also be sent taken back and the main file returned.

Law Secretary) 3/7

28.7.39

Dev. Secy) 3/8

Further action will be taken to frame Rules under the above Act. The Dev. Branch file with papers relating and the main file of the Protection Branch are returned herewith. For perusal

Dev Secy) 12/8

14/8

14/8

14/8

NOTE—Contn. Sheet.

7202/38.

Telegraphic Address:
.INSURANCE.

CODE:
BENTLEY'S SECOND.

All communications to be addressed to the Secretary.

THE MADRAS ACCIDENT INSURANCE ASSOCIATION

(WORKMEN'S COMPENSATION SUB-COMMITTEE)
2-6, SECOND LINE BEACH,

MADRAS, 22nd May 1936.

The Chief Secretary, (Development),

Mysore Government,

Secretariat,

B a n g a l o r e.

CHIEF SECRETARY.
25 MAY 1936

Dear Sir,

Bill to amend the Mysore Workmen's Compensation Regulation No.XIV of 1928 and Silicosis

A member of my Committee has reported his conversations with you on Monday the 11th instant on the subject of the proposed inclusion of Silicosis as an occupational disease in the Mysore Workmen's Compensation Regulation.

My Committee take the view that the inclusion within the scope of the Workmen's Compensation Regulation of Silicosis and kindred diseases is most undesirable in this country. The memorandum which I am enclosing, read in conjunction with the schemes which are operative in Great Britain, will indicate the extreme difficulty of applying similar legislation in this country where distances are so much greater and where specialists' medical knowledge is not available. You will notice in the attached memorandum a statement that in Great Britain only 9 medical men constitute the Medical Board. Another great difficulty from the medical point of view which is not found in Great Britain is the necessity for post-mortem examinations having to be carried out within a

very short time of death occurring.

The special Schemes mentioned in the memorandum are quoted in full in the most recent copy of the Workmen's Compensation Acts 1925 to 1931 by W. Addington Willis, C.B.E., L.L.B from the 29th Edition onwards. In connection with what has just been stated, it would not be out of place to mention the serious objections of workmen to being X-rayed, whilst religious scruples may, in many instances, altogether preclude post-mortem examinations. Past experience has shown that workers in any large Industrial concern object to any accurate form of registration. A survey of the English schemes together with law cases arising therefrom prove that some form of registration is essential and it would be necessary for some system to be inaugurated in this country before compensation for Silicosis could be brought into operation.

In the absence of the means of diagnosis and a registration system, mentioned above, the award of compensation would be impracticable.

My Committee beg to suggest that legislation should not be effected by adding Silicosis to the scheduled diseases under the Regulation but by special Schemes and action be deferred until:-

1. There has been a careful investigation made to ascertain those trades and processes employment in which definitely exposes workmen to the Silicosis risk.

2. Regulations for the protection of the workmen from dangerous dust in all trades have been brought into operation.

3. Adequate arrangements have been made to ensure correct diagnosis.

Even if these difficulties can be surmounted Silicosis legislation would be extremely difficult if not impracticable unless made applicable only to those who begin employment in occupations to be defined subsequent to the inception o f the legislation and who are made the subject of initial medical examination and subsequent periodic medical examinations.

The Government of India are carefully considering the matter as regards British India and it is likely to be some considerable time before they reach a decision.

My Committee would very much appreciate a reply from you in due course.

Yours faithfully,

Ag. Secretary.

Memorandum.

WORKMEN'S COMPENSATION - SILICOSIS.

Silicosis Compensation Law in Great Britain has been of gradual development due to the difficulty in diagnosing the disease and ascertaining its causation. Endeavour has been made to safeguard employers by specifying the processes employment in which constitutes a right to compensation and by empanelling a Government appointed Medical Board who alone have the power of certifying whether disability or death is due to the disease Unless a workman, or his dependants in the case of death, can secure a certificate from the Board that the disability or death was caused by the disease, compensation is not payable.

It is due to the difficulty of diagnosis and of ascertaining the causation that in Great Britain silicosis has not been added to the schedule of diseases included within the Workmen's Compensation Act but has been dealt with by special Schemes. Authority for these Schemes was first conferred by a special Act known as the Workmen's Compensation (Silicosis) Act 1918. When that Act was repealed on the consolidation of the law by the Workmen's Compensation Act, 1925 Section 47 of the latter Act gave powers for the making of Schemes, it being then recognised, as it is still, that this procedure avoids many complications which would ensue if silicosis were included as a scheduled disease.

An additional reason for silicosis not being included as a scheduled disease was the extended period within which a workman might claim after leaving the employment and over which one employer might have to make contribution towards the compensation payable by another employer. Moreover Certifying Factory Surgeons by whom certificates are granted in respect of scheduled diseases would not have the special qualifications necessary for diagnosing silicosis.

At first compensation was payable only for death and total disability and it was not until considerable experience had been gained and the technique of diagnosis had been developed that compensation became payable for partial disability. At this latter time the sole power of certification was vested in the Medical Board.

In the case of death it is only specialists who are competent to state whether silicosis is the cause and then only after an autopsy, whilst in the case of disablement the difficulties of diagnosis are even greater and can be overcome only by specialists with the assistance of radiologists skilled in this particular work. In this connection it is significant that only 9 medical men constitute the Medical Board for the whole of Great Britain. Even with all these precautions mistakes still occur.

Due to the difficulty of ascertaining the causation of the disease the law was originally applicable only to a comparatively small number of workmen engaged in clearly defined work in the refractories industries. Compensation under the Refractories Industries Scheme has always been paid out of a Trade Fund.

Whilst the Refractories Scheme operated from 1919, it was not until 1927 that the Metal Grinding Industries (Silicosis) Scheme came into force. This Scheme was applicable only to the employment of workmen in a well defined occupation, i.e. the grinding of metal by the aid of sandstone grindstones.

In 1928 the Various Industries (Silicosis) Scheme was brought into being and had application to a variety of occupations. Even in a comparatively small area like Gt.Britain difficulty is still experienced in ascertaining whether workmen are handling materials likely to cause the disease and whether their occupations bring them within the scope of the Scheme.

Whilst the Various Industries Scheme was general in its scope it did not apply to workmen who were within the Refractories Industries Scheme and in 1929 the Sandstone Industry Scheme tookfrom out the scope of the Various Industries Scheme workmen engaged by employers who quarried sandstone, including subsequent work upon the stone. The purpose of this Scheme was to provide for the establishment of a Trade Fund for the payment of compensation on the same lines as the Refractories Industries Fund.

Until 1931 compensation was not payable for partial disability but at that time all the Schemes were amended to make such provision and also for the removal of men from work in certain processes if as the result of a periodic medical examination it was discovered that the continuation of the employment would be dangerous.

Thus as the law in Gt.Britain stands at present there are the following Silicosis Schemes in operation:-

1. The Refractories Industries (Silicosis) Scheme,1931.

   (Compensation payable from a Fund constituted by levy upon the employers and in which the Insurance Companies have no interest)

2. The Sandstone Industry (Silicosis) Scheme, 1931.

   (Compensation payable from a Fund Constituted by levy upon the employers and in which the Insurance Companies have no interest.)

3. The Metal Grinding Industries (Silicosis) Scheme,1931.

   (Insurance if effected is dealt with by special endorsement on the W.C.A. policy)

4. The Various Industries (Silicosis) Scheme, 1931.

   (Insurance if effected is dealt with by special endorsement on the W.C.A. policy)

In addition there is the Asbestos Industry (Asbestosis) Scheme, 1931, modelled on similar lines to the Silicosis Schemes and dealing with certain workers in asbestos.

The Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931, authorised the formation of the Medical Board and outlined its powers.

If silicosis were to be made a compensatable disease without restriction of the occupations to which it is to be attributable or the period in which a claim may be brought after leaving any employment in which the disease could be acquired, the result would be chaotic. Unless there is a clear definition of what silicosis means, how it is to be diagnosed and to what occupations it is to be attributed, there is the possibility of a large number of cases of disablement by tubercular or other lung troubles not necessarily attributable to the employment falling to be compensated as silicosis.

It is believed to be impracticable accurately to diagnose silicosis unless there is a record of the workmen's employment history, and, in the case of disability, a thorough clinical examination and an X-ray photograph. Even when these precautions have been taken mistakes may be made and discovered only on death ensuing and a post-mortem examination being held. It was due to specialised knowledge being required that the Medical Board was set up in Gt.Britain, where easy means of communication and the comparatively short distances to be covered have made their examinations and autopsies practicable. In India the problems surrounding the making of arrangements for diagnoses, which should be an essential preliminary to any silicosis compensation law, would appear to be insurmountable.

In Great Britain there is available to an employer a safeguard which it might not be practicable to provide in India. Whilst the Medical Board is the sole arbiter as to whether or not the disease is silicosis, an employer may make representations to the Board before medical or post-mortem examination to prove either that the disease could not have been acquired in the occupation or that in fact the disease is not silicosis. Should the Medical Board issue an affirmative certificate the employer still has open to him the ordinary process of the law to enable him to avoid liability on the grounds of not having employed the claimant in any process mentioned in the Compensation Scheme. These safeguards are essential.

It is important to remember that a workman may be certified as suffering from the disease after a comparatively short period of employment in a non-hazardous occupation and the disease will have been acquired during employment for many previous years in an occupation of an entirely different character. Consequently the transfer of workmen from one employer to another, from one class of employment to another or from one state to another renders imperative the introduction of at least such safeguards as are incorporated in the British Schemes.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 29th May 193 6

No. P 2991

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The Secretary,
Workmen's Compensation Sub-Committee,
Madras Accident Insurance Association,
2-6 Second Line Beach, Madras.

Sir,

With reference to your letter dated 22nd May 1936 re: the Bills to amend the Mysore Workmen's Compensation Regulation, 1928, I am directed to state that sufficient safeguards have been provided in the Bill as amended by the Select Committee by providing for - prescribing conditions in regard to medical examination and autopsy which will have to be satisfied before a right to compensation in respect of occupational diseases can arise. I am to add that in view of these safeguards, there will be no difficulty in working the - provision regarding silicosis.

Government will be glad to consider any suggestions you may wish to offer in the matter, while rules are being framed.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Development Department.

bnl. 2

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 29.5.36

Signed by Mr. C.S.I.D

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P7971

To

The Secretary
Workmen's compensation
Sub-committee
Madras Accident
Insurance Assoc
2-6 Second Line Beach
Madras

Sir,

With reference to your letter dt 22-5-36 re the Bill to amend the Employers Workmen's Compensation Regn., 1928 I am directed to state that sufficient safe guards have been provided in the Bill as amended by the Select committee by

proposing for prescribing
conditions ~~which are~~ in
regard to medical
examination & autopsy
which will have to
be satisfied before a
right to compensation
in respect of occupational
diseases can arise

I am to add that
in view of these safeguards,
there will be no difficulty
in working the provisions
in Schedule 3.

Govt. will be glad
~~to~~ to consider any
suggestions you may
wish to offer in the
matter, which rules are being framed
& particularly the
conditions

I have etc

Sd
For Secy. Lab

59

Telegraphic Address:
INSURANCE.

CODE:
BENTLEY'S SECOND.

All communications to be addressed to the Secretary.

PW. BV

6/6

THE MADRAS ACCIDENT INSURANCE ASSOCIATION

(WORKMEN'S COMPENSATION SUB-COMMITTEE)
2-6, SECOND LINE BEACH,

MADRAS, 5th June 1936.

The Secretary to the Government of His Highness the Maharaja of Mysore,

Development Department,

Bangalore.

Dear Sir,

Re: Bill to amend the Mysore Workmen's Compensation Regulation, No.XIV of 1928 and Silicosis.

I beg to acknowledge the receipt of your letter No.P.7971 of the 28th ultimo, which is being submitted to my Committee.

I will communicate with you further at a later date.

Yours faithfully,

Ag. Secretary.

Sec 7/6

Submitted for perusal

6

7684 P 35

Telegraphic Address:
INSURANCE.

CODE:
ENTLEY'S SECOND.

All communications to be addressed to the Secretary:

THE MADRAS ACCIDENT INSURANCE ASSOCIATION

(WORKMEN'S COMPENSATION SUB-COMMITTEE)
2-6, SECOND LINE BEACH,

MADRAS, 15th June 1936

The Secretary to the Government of His Highness the
Maharaja of Mysore,

Development Department,

Bangalore.

Dear Sir,

Re: Bill to amend the Mysore
Workmen's Compensation Regulation
No.XIV of 1928 and Silicosis.

I am directed to thank you for your letter No. P.7971 dated 29th ultimo, the contents of which are noted.

I am to state that the last paragraph of your letter is receiving my Committee's earnest attention.

Yours faithfully,

Ag. Secretary.

Send for perusal.

Sd/ 15/6. J.

6 1876

C 15-36-7

MESSRS. JOHN TAYLOR & SONS' COMMITTEE.

TELEGRAPHIC ADDRESS:-
"COMMITTEE OORGAUM."

OORGAUM,
SOUTH INDIA.

557

July. 27. 1936.

M.Venkatanaranappa, Esq., B.A.,

Secretary to the Government of Mysore,

Development Department,

Bangalore.

Sir,

With reference to the Bill to amend the Workmen's Compensation Regulation XIV of 1928 which inter alia incorporates the incidence of Silicosis as an Occupational Disease and which was passed by the Legislative Council at their recent Session, it is understood that Government are about to prescribe rules under section 31 of the said bill.

I have the honour to inform you that the Mining Companies desire to submit for Government's consideration a Memorandum containing some suggested points which it is considered essential should be covered by such rules as may be prescribed by Government to carry out the purposes of the amended Regulation with particular reference to the inclusion of Miners' Phthisis or Silicosis in the list of Occupational Diseases under Schedule III.

The Committee have been informed by Mr.W.T. Hudson, member of the Mysore Legislative Council, that any suggestions which the Companies may wish to make should be submitted not later than the end of the present month but I am instructed to ask if this period may be extended until the end of the first week in August. The reason for this request is that the Memorandum referred to has been despatched to Messrs John Taylor & Sons, the Managers of the Mining Companies in London, in order that they may have an opportunity of examining it and making any further suggestions which they may consider desirable, and a cablegram has now been received from them stating that they have despatched a letter on the subject by Air Mail leaving London on 22nd instant. The letter referred to therefore cannot arrive until the 2nd or 3rd of August and for this reason the application is made for an extension of time in which to submit the Mining Companies' suggestions in regard to the rules.

It will be much appreciated if you will accede to this request and notify us accordingly at your early convenience.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary.

A.R.

14

D.No 23

1st August 1936.

The Secretary,
Messrs. John Taylor & Sons' Committee,
Oorgaum.

Dear Sir,

I am directed to acknowledge receipt of your letter dated 27th July, in regard to th Workmen's Compensation Regulation and to state that your suggestions may be submitted in Augus as proposed by you.

Yours faithfully,

9 Lc. 15-36-9 16

TELEGRAPHIC ADDRESS:-
"COMMITTEE OORGAUM."

MESSRS. JOHN TAYLOR & SONS' COMMITTEE,
OORGAUM,
SOUTH INDIA.

August. 7. 1936.

M.Venkatanaranappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

8 AUG. 1936

Sir,

With reference to the Bill to amend the Workmen's Compensation Regulation XIV of 1928 which inter alia incorporates the incidence of Silicosis as an Occupational Disease and which was passed by the Legislative Council at their recent Session, it is understood that Government are about to prescribe rules under section 31 of the said bill.

I have the honour therefore to submit for Government's consideration a Memorandum containing some suggested points which the Mining Companies consider it essential that such rules should cover and I am desired to state that these suggestions apply to the administration of the Act in the Kolar Gold Field Area only and are not intended to embrace any industries or processes outside of that area.

The Mining Companies respectfully desire to draw the attention of Government to the urgent desirability that such rules as are prescribed shall be so framed as to

cause no undue disturbance amongst labour. They also beg to submit that Government should accept the full onus of the publicity amongst labour which will be called for if the scheme of working governed by the Rules is to be a success. The publication by Government rather than by the Companies of what it is necessary for a workman to do to make himself eligible, would relieve the Mining Companies of any suggestion of a desire to impose their own Rules on labour with the accompanying danger of unrest. As the Mining Companies have to accept their own liability under the law and will loyally endeavour to work the new Regulation it is respectfully submitted that Government should do their part in getting labour to do theirs.

It will be observed from the enclosed Memorandum that my Committee have made no attempt to frame any rules and that they have confined themselves to setting out some of the more important points which they consider it is essential that the rules should cover.

I am also desired to state that the suggestions are made in the hope that they may be of assistance to Government in the framing of such rules as will ensure the smooth and satisfactory working of the amended Regulation.

The Mining Companies understand with pleasure that they will be fully advised of the Rules and Procedure before the Amended Bill comes into effect and they will at all times be pleased to render any further assistance

which Government may require of them in connection with this matter.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary.

MESSRS. JOHN TAYLOR & SONS' COMMITTEE.

MEMORANDUM.

BILL TO AMEND THE WORKMEN'S COMPENSATION REGULATION XIV OF 1928.

Some suggested points which in the opinion of Messrs. John Taylor & Sons' Committee it is considered essential should be covered by such rules as may be prescribed by Government to carry out the purposes of the Amended Regulation with particular reference to the inclusion of Miners' Phthisis or Silicosis in the List of Occupational Diseases under Schedule III.

---

1. MEDICAL BOARD. A Medical Board to be constituted consisting of one medical officer representing the Government and one representing the Gold Mining Industry in the Kolar Gold Field District.

In the event of their disagreement the matter to be referred to another medical officer mutually acceptable to both parties as arbitrator for final decision.

2. APPLICATION AND MEDICAL EXAMINATION. The Regulation to apply to all workmen employed at any time on or after the commencement of the Amended Regulation who voluntarily submit themselves for initial and periodic medical examination.

Such initial and periodic medical examination to be under the direct control of the Medical Board and carried out by a medical officer appointed by the Chief Medical Officer of the Mining Companies for this purpose.

Periodic examination to be held at yearly intervals in the case of underground workmen and biennially in the case of surface workmen, or at such shorter intervals as the Medical Examiner may consider advisable.

3. IDENTIFICATION. Subsequent to medical examination and before engagement of workmen a reliable method of voluntary registration for identification purposes will be necessary.

4. RIGHT TO COMPENSATION. Where the Medical Board shall certify:

(1) That the death of a workman has been caused by silicosis or by silicosis accompanied by tuberculosis of the lungs, or

(2) That a workman is totally disabled from silicosis or from silicosis accompanied by tuberculosis of the lungs, or

(3) That a workman is partially disabled from silicosis or from silicosis accompanied by tuberculosis of the lungs and is for that reason suspended from further employment on the Mines.

Provided that no compensation shall be payable:

(1) If it is proved that the worker has been employed by the Mining Companies for a period or periods amounting to less than 5 years, or who has been absent for a period exceeding one year prior to the date of his application for compensation.

(2) To workmen who have left or have been discharged from employment prior to the date of introduction of the rules.

(3) If the Medical Board shall certify that silicosis cannot have been contracted by the worker owing to the shortness of time during which he has been employed by the Mining Companies.

(4) To workmen employed in Surface Occupations free from silica dust such as:

Fitting, Blacksmith and Carpenter Shops,
Engine and Compressor Houses,
Cyanide Plants,
Sanitary Departments, etc., etc.

(5) In cases where the workman or his dependents, as the case may be, are in receipt of compensation under any other scheme or enactment providing compensation for silicosis elsewhere.

(6) In the event of the death of workmen from suspected silicosis unless an autopsy is carried out under the supervision of the Medical Board.

5. DATE OF INJURY. For the purpose of the rules the date of the injury to be deemed to be the date on or from which the workman is certified to be totally disabled or, while not totally disabled, is suspended from employment or, in case where the workman dies without having been certified to be totally disabled or suspended, the date of death.

6. PREVIOUS EMPLOYMENT. Where the workman is found to be

suffering from silicosis or silicosis accompanied by tuberculosis of the lungs and in the opinion of the Medical Board the disease could not have been contracted during the employment in which he was working at the date of injury, then the claim for compensation shall be lodged against the employer who last employed him in any of the processes as may be described in the Rules.

7. DUTIES OF WORKMEN. It shall be the duty of every workman or his dependents claiming compensation to furnish to the employer from whom compensation is claimed, if so required, true information as to his employment with any previous employer who within the 5 years preceding the date of injury employed him in any of the processes mentioned in the Rules, and as to whether the workman or his dependents are in receipt of compensation for silicosis elsewhere.

If the workman or his dependents furnish wilfully false information or wilfully withhold information as aforesaid, he or they, as the case may be, shall forfeit any right to compensation under the Rules.

-

O o r g a u m,
7th August 1936.

Secretary,
MESSRS. JOHN TAYLOR & SONS' COMMITTEE.

KVC.

923 P 38

Pd. Br.

Telegraphic Address:
INSURANCE.

CODE:
BENTLEY'S SECOND.

All communications to be addressed to the Secretary.

THE MADRAS ACCIDENT INSURANCE ASSOCIATION

(WORKMEN'S COMPENSATION SUB-COMMITTEE)
2-6, SECOND LINE BEACH,

MADRAS, 8th August 1936.

765 - D

SECL. & REV. DEPTT.
11 AUG. 1936
DEVELOPMENT BRANCH

The Secretary to the Government of His Highness the Maharaja of Mysore,

Development Department,

Bangalore.

Dear Sir,

With further reference to your letter of the 29th May Ref. No.P7971, I am directed to advise you that this Committee has almost completed its deliberations in connection with the rules which are being framed for Silicosis and anticipate being able to submit these suggestions in the near future.

I am directed to request you to advise me the last date upon which my Committee's suggestions can be submitted.

Yours faithfully,

Ag. Secretary.

Rules under Act to be issued by Dev. Branch. The connecting Bill has been passed into Law & the Rules under consideration will then be published in the Gazette.

JN. This file with, if approved be transferred to Dept. Br.

See 11/8/36. Dev. Br.)

11/8/36

D. O. No. D-1160

GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore 10th August 1936

Dear Sir,

I am desired to acknowledge receipt of your letter dated 7th August 1936 enclosing a memorandum of suggestions in connection with the framing of the Rules under the Workmen's Compensation Regulation and to state that the points urged therein will be duly considered in framing the Rules.

Yours sincerely,

for

The Secretary,
Messrs. John Taylor and Sons' Committee,
Organum.

Appendix F G—1]

2 - 4

SUBJECT.....

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.....

Section 9 d E
File No. 15.36
Serial No. 11

Diary No. of letter replied to.....

No. D-1150

To

The Secretary,
Messrs John Taylor and Sons
Common Tea, Darjeeling

General and Revenue Secretariat

( )

the 193

Dear Sir,

Date of issue 11/8/36

I am directed to acknowledge receipt of your letter dated 7th Aug 36 on the Rules under the Bengal Compensation Rep Act and to state) that the suggestions contained therein will receive due consideration.

Signed by Mr. Wilson

enclosing a memorandum of suggestions in connection with the framing of the Rules

that the points urged therein will be duly considered in framing the Rules

List of enclosures.....

Yours faithfully
W.W.
11/8/36

Copied by .....

Examined by.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 21st August *1936*
26

No. D. 15000 Encl 1

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Director of Industries and Commerce in Mysore,
Bangalore.

Sir,

I am directed to invite a reference to Regulation III of 1936 amending the Workmen's Compensation Regulation No.XIV of 1928 published in Part IV of the Mysore Gazette dated 13th August 1936 and to request you to submit very early the necessary draft revised rules under the new regulation.

A copy of the memorandum of suggestions received in this connection from the Secretary, Messrs. John Taylor & Sons Committee, Oorgaum, is herewith enclosed for consideration while framing the Rules.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Development Department.

S.R.2/Enc.1

Appendix F G—1]

2

SUBJECT.....

.....

.....

Section 9+e

File No. 15-36

Serial No. 12

Diary No. of letter replied to.....

No. D. 1500/Encl one

To The Deputy Clerk

Sir,

General and Revenue Secretariat

( )

the *193*

E

Date of issue 26/8/36

Signed by Mg. K.S.Rao.

I am directed to invite a reference to Reg^n IV of 1936 amending the Workmen's Compensation Reg^n No XIV of 1929 published in part IV of the Mysore Gazette dated 13th Aug 1936 and to request you to ~~for~~ submit very early draft revised ~~for all~~ ~~amendments~~ the necessary Rules thereunder the new regulation,

List of enclosures.....

~~for the orders of Govt.~~

A copy of the memorandum of

Copied by ..... file.

Suggestions ~~in connection with~~ this ~~the framing of the Rules under~~

Examined by.....

WD 03601—GPB—30,000—23-9-35

In this connection
Recd from Sec'y by
Messrs John Taylor & Sons
memo re organ in Hereford
for Consideration with framing
Ten Rules.

J Kaines

W.

W Dep Sec
19.8.26

18/8

Telegraphic Address:
NSURANCE.

CODE:
BENTLEY'S SECOND.

All communications to be addressed to the Secretary.

THE MADRAS ACCIDENT INSURANCE ASSOCIATION

(WORKMEN'S COMPENSATION SUB-COMMITTEE)
2-6, SECOND LINE BEACH,

MADRAS, 23rd September 1936.

28

1572

GOVT. SECRETARIAT
24 SEP. 1936
DEVELOPMENT BRANCH

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department,
Bangalore.

Dear Sir,

I am directed to refer you to this Association's letter of the 8th ultimo following upon your letter of the 29th May reference No.P/7971. My Committee would appreciate your confirmation:-

1. That the Bill which has been recently passed by the Mysore Government is as set out in Notification No.1845 dated the 16th November, 1935 with the amendments recommended by the Select Committee as set out in Notification No.3642 dated 8th May 1936.

2. That Miners' Phthisis or Silicosis will figure in the list of occupational diseases in connection with any occupation wherein the mineral dust is such as to cause Silicosis.

3. That the right to compensation will be conditional upon compliance with rules which the Mysore Government are engaged in framing.

4. That the powers vested in those who frame the rules are such that rules can only deal with medical examination of workmen and autopsy on the body of deceased workmen, (vide Para 3 of Notification No.3642 dated 8th May 1936

dealing with Section 3, sub-section 2 of the Regulation) and that no powers have been given to lay down restricti... outside medical examination and autopsy.

My Committee have been engaged in framing suggested Silicosis rules for your approval but as portions of these rules refer to matters outside medical examination and autopsy they assume, in view of point 4 above, that the suggested rules cannot be considered, points outside medical examination and autopsy being ultra vires. Your confirmation that this assumption is correct would be appreciated, and if so I am directed to enquire whether opportunity will be afforded to this Association to comment on any draft rules drawn up by the Mysore Government before final rules are published.

In this connection I am directed to refer you to this Association's communication of the 22nd May last wherein it was suggested that if Silicosis was to be scheduled as an occupational disease in a workable manner, such should become the subject of separate legislation and not be embodied in a general workmens' compensation regulation. However, if the disease (silicosis) is to be compensatable in connection with any occupation where the mineral dust is such as to cause Silicosis, it is essential that adequate safeguards should appear in the rules unless Employers are to be exposed to the risk of a liability which is not contemplated.

If therefore my Committee's interpretation of the position as set out in point 4 above is correct, I am directed to suggest that provision should be made in the rules that compensation should be payable only in respect of workmen who submit themselves for initial and periodic medical examination. Further, that the details as regards medical examination or autopsy should be based on The Silicosis and Asbestosis (Medical Arrangements) Scheme 1931, as applies in England, and attention is particularly drawn to paragraph 13 of that Scheme.

In conclusion, I have to indicate that this Association is representative of all major insurance interests and its interest in this matter is therefore a very real one. Under insurance policies the Members of this Association are prepared to indemnify Employers against claims by Employees under the Workmen's Compensation Regulation, and this Association wishes to avoid a position arising which will preclude its members from granting an insurance indemnity except at a very heavy and almost prohibitive cost.

Yours faithfully,

Chairman & Ag. Secretary.

JN.

9 Ec. 113-35-15

MESSRS. JOHN TAYLOR & SONS' COMMITTEE,

TELEGRAPHIC ADDRESS:-
"COMMITTEE OORGAUM."

OORGAUM,
SOUTH INDIA.

October. 24. 1936.

M.Venkatanaranappa, Esq., B.A.,

Secretary to the Government of Mysore,

Development Department,

Bangalore.

SECRETARIAT
5 NOV. 1936
DEVELOPMENT BRANCH

Sir,

I have the honour to refer to my letter dated 7th August submitting for Government's consideration a Memorandum containing some suggested points which the Mining Companies consider should be covered by such Rules as may be prescribed under the Bill to amend the Workmen's Compensation Regulation 14 of 1928 in connection with the introduction of legislation governing Compensation of workmen found to be suffering from Silicosis.

In paragraph 2 of the said Memorandum it has been submitted that the Regulation should apply to all workmen employed any time on or after the commencement of the amended Regulation but only if they voluntarily submit themselves to initial and periodic medical examination.

It is in this connection that there calls for decision the important question as to how soon after the coming into effect of the Rules must a workman in

employment at the time of the introduction of such Rules present himself for initial examination.

It is recognised that this question will present considerable difficulty in arriving at a decision as it is inextricably bound up with the practical limitation of available Medical Service.

It is desired to point out that the fact that the existing available Medical Service is limited is one that cannot be over-emphasised and the following estimation of the anticipated additional duties which the Medical Service will be called upon to perform by reason of the initial examination, and quite apart from subsequent periodical examination, will it is hoped assist Government to appreciate the difficulties attaching to this important point.

It is not possible to estimate the number of workmen with the necessary service qualification, namely, an aggregate service of 5 years prior to the introduction of the amended Regulation, but it may safely be assumed that a large majority of those classified as "old" labour have been in service with the Mining Companies for considerably longer periods. Also it is impossible to anticipate how many workmen will voluntarily present themselves for medical examination, but it may be assumed that the number will not be less than 50 per cent of the total labour strength. With approximately 18000 men working underground it may transpire therefore that the Medical Service may be

called upon initially to examine 9000 underground workmen. The Chief Medical Officer of the Mining Companies has informed my Committee that with existing staff and Radiographical apparatus and under the most favourable conditions not more than 15 examinations will be possible daily at the Companies' Hospital. Arithmetically therefore of the 9000 approximately 4700 men only can be examined during the first year but it is agreed that in practice this number is not likely to be attained and a period of from two to three years must elapse before initial examination of "old" labour can be completed.

From these theoretical figures it will be seen that the fixation of a date before which workmen must undergo initial examination presents considerable difficulties, but the Mining Companies nevertheless submit that every effort should be made to overcome such difficulties as in their opinion the effective operation of the new legislation, if it is to be consonant with its underlying motives, will depend largely upon a satisfactory decision in this respect.

The following possible solution to the problem is respectfully submitted for consideration by Government :-

The name of any workman in the employ of the Mining Companies who within a given period presents himself for initial examination and who by reason

> of the limitation of the available Medical Service is not examined on the day on which he presents himself will be entered in a Register maintained for such special purpose and will thereby be deemed to have complied with the Rules, provided that he reports without delay on being notified subsequently by the Medical Authorities of a date on which the examination may be carried out. Failure on the part of a workman thus notified to present himself for examination will render him ineligible to the benefits of compensation should he at any date exceeding 6 months after the notified date present himself for examination and be found to be suffering from Silicosis.

The submissions of the Mining Companies on the above matter are founded on the incontrovertible fact that the only means by which Silicosis can be diagnosed is by clinical and radiological examination, and accordingly it is essential that such examination must, in the interest of workmen themselves, be made as soon as practicably possible after the date of introduction of the new legislation.

A decision to omit from the Rules mention of the fixed period referred to would, it is considered, lead to undesirable results and be inconsistent with the underlying principles of the new legislation. To emphasise

this point it may be said that the dual purposes of initial medical examination are as follows :-

1. To discover and compensate as soon as possibl all existing cases of Silicosis.

2. To give opportunity and enable the Medical Service to observe and record the physical condition of workmen who are found to be free from Silicosis and take all necessary precautionary measures for the periodic re-examination of those whose condition may be such as to cause disquiet, in order that in the interest of the workmen themselves in the event of their developing Silicosis subsequently the disease may be discovered at the earliest possible moment.

In their consideration therefore of the mutual interests of the Mining Companies and their workmen the Mining Companies reiterate their previously expressed conviction that initial medical examination is essential.

This attitude may possibly lead to the consideration by Government as to whether it would be desirable to remove from the Rules the provision that initial examination must be undergone voluntarily by workmen, and the substitution therefor of a compulsory clause. The Mining Companies however firmly maintain their attitude that such examination must be purely voluntary. Apart from the practical limitations of the Medical Service already referred to, compulsory examination would not, in their considered opinion, be understood by labour who, notwithstanding the assumption by Government of the responsibility for publicity, may fail to realize that the new legislation, and the Rules governing it, have been introduced by Government and not by

overcoming it, have been introduced by government and by
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operation, be understood by labour who, voluntarily the
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maintain to remove from the notice the provision that initial
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diseases, especially the diseases may be
discovered at the earliest possible moment.

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silicosis and take all necessary precautionary
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whose condition may be such as to cause disquiet,
and
3. To discover any conditions as soon as possible

all existing cases of silicosis.

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the Companies, and for this reason alone it would appear desirable to avoid the introduction of a rule which might, by its unelastic nature, prove to be unpopular with labour and lead to undesirable results, the grave consequences of which would fall equally upon the Mining Companies and Government.

I have the honour to be,

Sir,

Your most obedient servant,

W. L. Brooke

Secretary.

9Ac-113-35-16 3

Telegraphic Address:
INSURANCE.

CODE:
NTLEY'S SECOND.

All communications to be addressed to the Secretary.

THE MADRAS ACCIDENT INSURANCE ASSOCIATION

(WORKMEN'S COMPENSATION SUB-COMMITTEE)
2-6, SECOND LINE BEACH,

MADRAS, 28th October 1936.

SECRETARIAT
4 NOV. 1936
DEVELOPMENT BRANCH

The Secretary to the Government of His Highness the Maharaja of Mysore,

Development Department,

Bangalore.

Dear Sir,

Workmen's Compensation Regulation

I beg to invite your attention to my letter of the 23rd ultimo a copy of which is enclosed for your ready reference. My Committee would appreciate your advice that the letter has been received and to have your early reply.

Yours faithfully,

Chairman & Ag.Secretary.

COPY

THE MADRAS ACCIDENT INSURANCE ASSOCIATION
(Workmen's Compensation Sub-Committee)

Madras, 23rd September 1936.

The Secretary to the Government of His Highness the
Maharaja of Mysore,

Development Department,

Bangalore.

Dear Sir,

I am directed to refer you to this Association's letter of the 8th ultimo following upon your letter of the 29th May reference No.P/7971. My Committee would appreciate your confirmation:-

1. That the Bill which has been recently passed by the Mysore Government is as set out in Notification No.1845 dated the 16th November, 1935 with the amendments recommended by the Select Committee as set out in Notification No.3642 dated 8th May 1936.

2. That Miners' phthisis or Silicosis will figure in the list of occupational diseases in connection with any occupation wherein the mineral dust is such as to cause Silicosis.

3. That the right to compensation will be conditional upon compliance with rules which the Mysore Government are engaged in framing.

4. That the powers vested in those who frame the rules are such that rules can only deal with medical examination of workmen and autopsy on the body of deceased workmen, (vide Para 3 of Notification No.3642 dated 8th May 1936

dealing with Section 3, sub-section 2 of the Regulation) and that no powers have been given to lay down restrictions outside medical examination and autopsy.

My Committee have been engaged in framing suggested Silicosis rules for your approval but as portions of these rules refer to matters outside medical examination and autopsy they assume, in view of point 4 above, that the suggested rules cannot be considered, points outside medical examination and autopsy being ultra vires. Your confirmation that this assumption is correct would be appreciated, and if so I am directed to enquire whether opportunity will be afforded to this Association to comment on any draft rules drawn up by the Mysore Government before final rules are published.

In this connection I am directed to refer you to this Association's communication of the 22nd May last wherein it was suggested that if Silicosis was to be scheduled as an occupational disease in a workable manner, such should become the subject of separate legislation and not be embodied in a general workmen's compensation regulation. However, if the disease (silicosis) is to be compensatable in connection with any occupation where the mineral dust is such as to cause Silicosis, it is essential that adequate safeguards should appear in the rules unless Employers are to be exposed to the risk of a liability which is not contemplated.

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rules that compensation should be payable only in respect of workmen who submit themselves for initial and periodic medical examination. Further, that the details as regards medical examination or autopsy should be based on The Silicosis and Asbestosis (Medical Arrangements) Scheme 1931, as applies in England, and attention is particularly drawn to paragraph 13 of that Scheme.

In conclusion, I have to indicate that this Association is representative of all major insurance interests and its interest in this matter is therefore a very real one. Under insurance policies the Members of this Association are prepared to indemnify Employers against claims by Employees under the Workmen's Compensation Regulation, and this Association wishes to avoid a position arising which will preclude its members from granting an insurance indemnity except at a very heavy and almost prohibitive cost.

Yours faithfully,

Sd. S.G. Harrison.

Chairman & Ag. Secretary.

Letter dated the 24th October 1936 from the Secretary, Messrs. John Taylor & Sons' Committee, Oorgaum, to the Secretary to Government, Development Department.

I have the honour to refer to my letter dated the 7th Aug. submitting for Government's consideration a Memorandum containing some suggested points which the Mining Companies consider should be covered by such Rules as may be be prescribed under the Bill to amend the Workmen's Compensation Regulation 14 of 1938 in connection with the introduction of legislation governing Compensation of workmen found to be suffering from Silicosis.

In paragraph 2 of the said Memorandum it has been submitted that the Regulation should apply to all workmen employed any time on or after the commencement of the amended Regulation but only if they voluntarily submit themselves to initial and periodic medical examination.

It is in this connection that there calls for decision the important question as to how soon after the coming into effect of the Rules must a workman in employment at the time of the introduction of such Rules present himself for initial examination.

It is recognised that this question will present condiderable difficulty in arriving at a decision as it is inetricably bound up with the practical limitations of available Medical Service.

It is desired to point out that the fact that the existing available Medical Service is limited is one that cannot be over-emphasised and the following estimation of the anticipated additional duties which the Medical Service will be called upon to perform by reason of the initial examination, and quite apart from subsequent periodical examination, will it is hoped assist Government to appreciate the difficulties attaching to this important point.

It is not possible to estimate the number of workmen with the necessary service qualification, namely, an aggregate service of 5 years prior to the introduction of the amended Regulation, but

it may safely be assumed that a large majority of those classified as "old" labour have been in service with the Mining Companies for considerably longer periods. Also it is impossible to anticipate how many workmen will voluntarily present themselves for medical examination, but it may be assumed that the number will not be less than 50 per cent of the total labour strength. With approximately 18000 men working underground it may transpire therefore that the Medical Service may be called upon initially to examine 9000 underground workmen. The Chief Medical Officer of the Mining Companies has informed my Committee that with existing staff and Radiographic apparatus and under the most favourable conditions not more than 15 examinations will be possible daily at the Companies' Hospital. Arithmetically therefore of the 9000 approximately 4700 men only can be examined during the first year but it is agreed that in practice this number is not likely to be attained and a period of from two to three years must elapse before initial examination of "old" labour can be completed.

From these theoretical figures it will be seen that the fixation of a date before which workmen must undergo initial examination presents considerable difficulties, but the Mining Companies nevertheless submit that every effort should be made to overcome such difficulties as in their opinion the effective operation of the new legislation, it is to be consonant with its underlying motives, will depend largely upon a satisfactory decision in this respect.

The following possible solution to the problem is respectfully submitted for consideration by Government:-

The name of any workman in the employ of the Mining Companies who within a given period presents himself for initial examination and who by reason of the limitation of the available Medical Service is not examination on the day on which he presents himself will be entered in a Register maintained for such special purpose and will thereby be deemed to have complied with the Rules, provided that he reports without

delay

delay on being notified subsequently by the Medical Service Authorities of a date on which the examination may be carried out. Failure on the part of a workman thus notified to present himself for examination will render him ineligible to the benefits of compensation should he at any date present himself for examination and be found to be suffering from Silicosis.

The submissions of the Mining Companies on the above matter are founded on the incontrovertible fact that the only means by which Silicosis can be diagnosed is by clinical and radiological examination, and accordingly it is essential that such examination must, in the interest of workmen themselves, be made as soon as practicably possible after the date of introduction of the new legislation.

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1. To discover and compensate as soon as possible all existing cases of Silicosis.

2. To give opportunity and enable the Medical Service to observe and record the physical condition of workmen who are found to be free from Silicosis and take all necessary precautionary measures for the periodic re-examination of those whose condition may be such as to cause disquiet, in order that in the interest of the workmen themselves in the event of their developing Silicosis subsequently the disease may be discovered at the earliest possible moment.

In their consideration therefore of the mutual interests of the Mining Companies and their workmen the Mining Companies reiterate their previously expressed conviction that initial medical examination is essential.

This attitude may possibly lead to the consideration by Government as to whether it would be desirable to remove from the Rules the

the provision that initial examination must be undergone voluntarily by workmen, and the substitution therefor of a compulsory clause. The Mining Companies however firmly maintain their attitude that such examination must be purely voluntary. Apart from the practical limitations of the Medical Service already referred to, compulsory examination would not, in their considered opinion, be understood by labour who, notwithstanding the assumption by Government of the responsibility for publicity, may fail to realise that the new legislation, and the Rules governing it, have been intriduced by Government and not by the Companies, and for this reason alone it would appear desirable to avoid the introduction of a rule which might, by its unelastic nature, prove to be unpopular with labour and lead to undesirable results, the grave consequences of which would fall equally upon the Mining Companies and Government.

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* C O P Y *

Secretary to Government,
Development Department.

C.R.G.3

Letter dated the 28th October 1936 from the Chairman and Ag. Secretary, the Madras Accident Insurance Association, Madras, to the Secretary to Government, Development Department.

Workmen's Compensation Regulation.

I beg to invite your attention to my letter of the 23rd ultimo a copy of which is enclosed for your ready reference. My Committee would appreciate your advice that the letter has been received and to have your early reply.

Enclosure.

I am directed to refer you to this Association's letter of the 8th ultimo following upon your letter of the 29th May reference No. P/7971. My Committee would appreciate your confirmation:

1. That the Bill which has been recently passed by the Mysore Government is as set out in Notification No. 1845 dated the 16th November 1935 with the amendments recommended by the Select Committee as set out in Notification No. 3642 dated 8th May 1936.

2. That Miners' phthisis or Silicosis will figure in the list of occupational diseases in connection with <u>any</u> occupation wherein the mineral dust is such as to cause Silicosis.

3. That the right to compensation will be conditional upon compliance with rules which the Mysore Government are engaged in framing.

4. That the powers vested in those who frame the rules are such that rules can only deal with medical examination of workmen and autopsy on the body of deceased workmen, (vide Para. 3 of Notification No. 3642 dated 8th May 1936 dealing with Section 3, subsection 2 of the Regulation) and that no powers have been given to lay down restrictions outside medical examination and autopsy.

My Committee have been engaged in framing auggested Silicosis rules for your approval but as portions of these rules refer to matters

matters outside medical examination and autopsy they assume, in view of point 4 above, that the suggested rules cannot be considered points outside medical examination and autopsy being ultra vires. Your confirmation that this assumption is correct would be appreciated, and if so I am directed to enquire whether opportunity will be afforded to this Association to comment on any draft rules drawn up by the Mysore Government before final rules are published.

In this connection I am directed to refer you to this Association's communication of the 22nd May last wherein it was suggested that if Silicosis was to be scheduled as an occupational disease in a workable manner, such should become the subject of separate legislation and not be embodied in a general workmen's compensation regulation. However, if the disease (Silicosis) is to be compensatable in connection with any occupation where the mineral dust is such as to cause Silicosis, it is essential that adequate safeguards should appear in the rules unless employers are to be exposed to the risk of a liability which is not contemplated.

If therefore my Committee's interpretation of the position as set out in point 4 above is correct, I am directed to suggest that provision should be made in the rules that compensation should be payable only in respect of workmen who submit themselves for initial and periodic medical examination. Further, that the details as regards medical examination or autopsy should be based on the Silicosis and Asbestosis (Medical Arrangements) Scheme 1931, as applies in England, and attention is particularly drawn to paragraph 13 of that Scheme.

In conclusion, I have to indicate that this Association is representative of all major insurance interests and its interest in this matter is therefore a very real one. Under insurance policies the Members of this Association are prepared to indemnify Employers against claims by Employees under the Workmen's Compensation Regulation, and this Association wishes to avoid a position arising which will preclude its members from granting an insurance indemnity except at a very heavy and almost prohibitive cost.

* C O P Y *

Secretary to Government,
Development Department.

Copy of letter dated 7th August 1936 from Messrs. John Taylor & Sons, Committee, Oorgaum, South India, to the Secretary to the Government of Mysore, Development Department.

With reference to the bill to amend the Workmen's Compensation Regulation XIV of 1928 which inter alia incorporates the incidence of Silicosis as an Occupational Disease and which was passed by the Legislative Council at their recent session, it is understood that Government are about to prescribe rules under Section 31 of the said Bill.

I have the honour, therefore, to submit for Government' consideration a Memorandum containing some suggested points which the Mining Companies consider it essential that such rules should cover and I am desired to state that these suggestions apply to the administration of the Act in the Kolar Gold Field Area only and are not intended to embrace any industries or processes outside of that area.

The Mining companies respectfully desire to draw the attention of Government to the urgent desirability that such rules as are prescribed shall be so far framed as to cause no undue disturbance amongst labour. They also beg to submit that Government should accept the full onus of the publicity amongst labour which will be called for if the scheme of working Governed by the rules is to be a success. The application by Government rather than by the Companies of what it is necessary for a workman to do to make himself eligible, would relieve the Mining Companies of any suggestion of a desire to impose their own Rules on labour with the accompanying danger or unrest. As the Mining Companies have to accept their own liability under the law and will loyally endeavour to work the new Regulation it is respectfully submitted that Government should do their part in getting labour to do theirs.

It will be observed from the enclosed Memorandum that my Committee have made no attempt to frame any

and that they have confined themselves to setting out some of the more important points which they consider it is essential that the rules should cover.

I am also desired to state that the suggestions are made in the hope that they may be of assistance to Government in the framing of such rules as will ensure the smooth and satisfactory working of the amended Regulation.

The Mining Companies understand with pleasure that they will be fully advised of the Rules and Procedure before the amended Bill comes into effect and they will at all times be pleased to render any further assistance which Government may require of them in connection with this matter.

(Copy)

The Secretary to Govt
Development Dept.

Discussed in the first meeting.

THE MYSORE SILICOSIS RULES.

1.(a) These Rules may be called the Mysore Silicosis Rules.

(b) They shall come into force on such date, as the Government may by notification in the Official Gazette appoint.

2. In these Rules unless there is anything repugnant in the subject or context,-

(a) The Act means the Mysore Workmen's Compensation Act No.XIV of 1928 as amended by Act III of 1936 — Already defined in the Act.

(b) 'Commissioner' means the Commissioner for Workmen's Compensation appointed under the Act — -Ditto-

(c) 'Workman' means a workman as defined in ~~Schedule II(~~ ~~1~~ ~~)~~ of the Act. — If a compensation can be confined to underground workers this definition may have to be altered.

(d) 'Employer' means the immediate holder or lessee of a mine or any person, who, under any agreement whatever, works such a mine. — Already defined in the Act.

(e) 'Monthly Wages' of a workman mean 1/6th part of the amount earned by him for 156 days on which he worked as such prior to the date on which he was certified to have developed silicosis to a degree entitling him to compensation under these Rules. — -Ditto-

Provided that if for any reason this amount cannot be ascertained the monthly wages shall be taken to be a to be determined by the Commissioner.

(f)'Initial Examination' means examination prescribed by Rule 14 (a) of these Rules.

(g)'Periodical Examination' means examination prescribed by Rule 14 (d) of these rules.

(h)'Examiner' means a medical practitioner whose appears in the list published by Government in the Official Gazette as prescribed in Rule 10 of these Rules.

(i)'Underground' in relation to work or employment on a mine shall be construed as a reference to underground work or employment beneath the surface; to work or employment upon or about rock crushers in a rock crushing station and to work for employment in a sample crushing room or assay office or on any tailings dump. (See Note to (c) definition of 'Workman').

6. For the purpose of these rules Silicosis shall mean silicosis of the lungs.

A person shall for the purposes of these rules be deemed to have or to have had silicosis.

(a) In the anti-primary stage, when it is found on medical and radiological examination that the earliest detectable specific physical signs of silicosis are or have been present, whether or not capacity for work is or has been impaired by such silicosis.

(b) In the primary stage, when it is found on medical and radiological examination that definite and specific physical signs of silicosis are or have been present and that capacity for work is or has been impaired by that disease though not seriously permanently.

(c) In the secondary stage when it is found on medical and radiological examination that definite and specific physical signs of silicosis are or have been present and that capacity for work is or has been seriously and perman tly impaired by that disease.

(i) Silicosis with active tuberculosis is equivalent to the secondary stage.

4. For the purpose of these rules 'Dependent' in relation to a deceased person means the dependent as defined by the Act.

Redund

See Act.

COMPENSATION UNDER THE RULES.

5. The employer shall, subject to the provisions of these rules, be liable to pay compensation to workmen suffering from silicosis in accordance with the scale prescribed u 'er Rule 6.

6.(1) Compensation for silicosis shall be payble by the employers according to the following scales.

(a) To a workman who has silicosis in the antiprimary stage, an amount to be paid in one sum equal to twelve times the monthly earnings of the workman.

Is not this too high, having regard to the capacity of the cooly to work on the land even if suffering from silicosis wh only in the anti-primary stage.

Suggested alterations are subject to the rules being intra-vires see special reference in letter to Government.

(b) To a workman who has silicosis in the primary stage, an amount to be paid in one sum equal to twelve times the monthly wages of the workman with an addition of 50 per cent thereto.

Provided that if the workman has been granted compensation under the provisions of clause(a) the compensation to be paid to him under this clause shall be an amount in one sum equal to 50% of the compensation already paid to him.

(c) To a workman who has silicosis in the secondary stage or tubercolosis with a silicosis a monthly allowance to the date of death equal to one half of his monthly earnings but not to exceed in total the amount of compensation payable for permanent total disablement under the Act.

(ii) Where a workman who has not received compensation is found to have died from silicosis if the Commissioner is satisfied from a post-mortem examination (carried out in the manner prescribed in these rules for the conduct of post-mortem examinations that silicosis was present and that he had on the date of decease a dependent or dependents there shall be paid to the Commissioner on behalf of the dep or dependents, a sum equal to the sum arrived at as per sub-clause (b) Rule 6(1) with an addition of 100% thereto.)

(iii) Whenever any workman ceases to work underground or is discharged or terminates his employment or is permit to be absent from his employment for a period exceeding 28 days the employer shall arrange forhim to be stethoscopically radiologically examined and he shall not be thereafter entitled for compensation unless he is found to be suffering from silicosis in its anti-primary or other later stage.

7(a) Every workman who desires the grant of compensatio under these rules shall apply to the Commissioner under who jurisdiction he resides in form 'A' in duplicate.

(b) Application for compensation by dependents shall be made in Form 'B' and shall be transmitted in duplicate to the Commissioner.

8. Every employer shall on request by the Commissioner, within 7 days supply a true and correct statement of the amounts earned by a workmen for the purpose of computing the amount of the workmen's monthly wages.

Suggest that this is redundant in view of Commissioner's powers under the Act.

9. In deciding cases under these rules, the Commissioner shall follow the procedure detailed in the Workman's Compensation Rules framed under the Act.

Suggest that this this also is redundant.

MEDICAL EXAMINATION.

10. The Government under these rules will publish in the Official Gazette, a list framed from time to time in consultation with the Senior Surgeon, of Medical Practitioners who are empowered to carry out examinations and issue certificates.

11. Government may also appoint medical officers in service, as ex-officio examiners for the purposes of examinatio and issue of certificates.

12. Every employer, shall, in respect of medical examination of workmen working under him and issue of certificates, engage the services of at least one medical practitioner whose name appears in the list to be framed under Rule 10.

13.(a) Government shall establish a medical Bureau consisting of 3 or more medical practitioners or officers with special knowledge of the diseases of the lungs and respiratory organs and the Commissioner shall in cases of doubt or where the employer or the workman is dissatisfied with the certificate of the examiner, refer the case to the Bure .

(b) In all such cases the applicant shall be X-rayed if necessary, and clinically examined. The findings of the Bureau shall be final.

This preliminary examination to be enforceable against all workers who are entitled to compensation and not confined to one class only.

14.(a) Save as otherwise provided for in these rules, any workman desiring to go for underground work, after these rules have come into force, shall submit himself to a medical examination before an examiner before whom he all be caused to appear by every employer.

(b) The examiner shall make such examination(includin a stethoscope examination) of the applicant as will enable hi to fill in correctly the initial certificate i form 'C' that

SZ4

that he is free from any disease of the lungs and re iratory organs and is in other respects physically fit for undergroun work.

(c) Such certificate should be transmitted to the applicant and shall be valid for a period not exceeding five years.

(d) after the initial examination every workman should be caused to be brought before an examiner byt the employer for medical examination at intervals of not more than five years over a period not exceedi g ten years and thereafter at two yearly intervals.

(e) After every examination subsequent to the initial examination a certificate in form 'D' stating that the workman is not suffering from silicosis or a certificate in form 'Da' stating that the workman is suffering from silicosis and in what stage should be issued and it shall be the duty of the employer to inform the workman of the contents thereof.

15.(a) Every workman who is already in service at the time of these rules coming into force, shall be duly got initially examined by an examiner before who he he will be caused to appear by the employer and if found suffering from silicosis as defined in rule 3, he shall be entitled to compensation according to rule 6 of these rules.

(b) If it is found not possible for such workman to be present for initial examination and if he is not e i on the day he presents himself his name shal l be entered in a register maintained for such a purpose and he will be deemed to have complied with the rules provided that he reports without delay on being notified subsequently by the employer of a date on which the examination may be carried out. Failure the part of the workman thus notified to pres t

There is no n ssity for 6 monthly exa -minations; apart from the waste of time and very great expenditure of such examinations at six monthly intervals, it is to be appreciated that examinations every 6 months would tail, in addition to the time ent on them, staff necessary for their proper execution, chest X-rays in the region of 30,000 per year at an estimated st, for x-ray materials only of ,000 per year. It is ggested that a much longer period be instituted between interval examinations.

present himself for examination will render him ineligible for compensation and will release the employer from all obligation under these Rules should he at any other date present himself for examination and be found to be suffering from silicosis.

(c) The employer shall cause each workman employed underground to be notified of the date and hour at which to present himself before the medical examiner for the purpose of any and all examinations prescribed by these Rules.

(d) Every facility shall be provided to the workman by their employers when they have to get themselves ex- med in accordance with these rules.

POST MORTEM EXAMINATION.

16.(a) Whenever the Commissioner considers it necessary to be satisfied by the post mortem examinatio whether a deceased workman had silicosis and having obtained the previous consent of the legal representatives of the deceased, to the performance of such post mortem examination he may request any Government Medical Officer to conduct such an examination and send him a copy of Form 'E' to be filled by him. (A medical examiner nominated by the employer shall be given the opportunity to be present at such post-mortem examination and shall either agree or disagree wi the Government Medical Officer's findings. In the event of disagreement the case shall be referred to the Medical Bureau for decision which shall be accepted by all parties.)

(b) The Medical Officer so requested shall without any avoidable delay make the necessary examination and forward this report in form 'E' and if Silicosis has been found to be present in the lungs of the deceased such lungs shall accompany the Report.

(c) No fee is to be charged for such examination.

PENALTIES.

17.(a) Employers who fail to observe the provisio of Rule 14 shall be punished with fine which may amount to five hundred rupees.

(b) Any person who forges or alters any initial or periodical certificate or obtains any such certificate by fraud or by any wilful misstatement of facts or represents that any such certificate issued in respect of another person was issued in respect of himself, shall be fined with one hundred rupees.

(c) Employers who fail to observe the provision of Rule 15 shall be punished with fine which may amount to five hundred rupees.

GENERAL.

18. Payment of compensation under these Rules is subject to the condition that workmen should submit themselves for initial and periodical examination provided for in the rules.

19. When once a workman has accepted compensation, he is prohibited from working again as such but he is not oviige to accept compensation and give up his occupation as su

20. If a workman continues to work underground for a longer period than three months after he had been certified to be suffering from silicosis, he is not entitled to a greater amount of compensation than that to which he was entitled wh first certified. But this loss of benefi. does not ext to his dependents.

The legal representatives of a deceased workman may claim or continue a claim for compensation under these rules.

MSP)6.

15th Feb,'30)

L. Winchway

Commissioner for Workmen's Compensation

FORM 1a.

[illegible] SILICOSIS RULES.

[illegible] OF [illegible] COMPENSATION.

I, the undermentioned workman hereby apply under the Tyssen Silicosis Rules for compensation for silicosis contracted in the course of my employment underground.

1. Name in full.

2. Address in full.

3. Names and address and relationship of dependants.

4. Name of the employer under whom the workman worked last (underground) with record of service.

5. Particulars of earnings.

I hereby declare that what is set down above is correct.

Signature or left thumb mark of the applicant.

To

The Commissioner of Workmen's Compensation,

.....District,

.....

HCC.03./16-2-39.

FORM B.

THE [illegible] SILICOSIS RULES.

Application for Compensation by a Dependant.

I or we the dependant or dependants of the deceased workman named.....an employee in the.....
.....hine apply for compensation for silicosis contracted by the workman in the course of his employment as a result of which he died.

1. Name(s) of dependants in full.

2. Address.

3. Age.

4. Relationship to the deceased workman.

5. Occupation.

6. Particulars of earnings.

7. Name of the deceased workman in full with name of last employer and record of service thereunder.

8. Date of his death.

9. Cause of his death (Post-mortem certificate if any to be attached).

I hereby declare that I am/ we are the.....
.....of thelate.....
and that the statements contained in the above application form are true and correct.

Signature of the Applicant.

F(B). 6.
15-2-39.

FORM C.

THE [illegible] RULES.

[illegible] CERTIFICATE.

Expires on.....Name of mine.....

Name in full.....

Address.....

.....

This is to certify that the above named applicant on the .....day of.....193 , underwent the examination prescribed by Rule 14 (a) of the Tycore Silicosis Rules of 19 and was then free from any disease of the lungs and respiratory organs and was in other respect physically fit for underground work.

Signature and left thumb Impression of applicant or photograph of the owner of this Certificate.

Place.....

Date.....

[illegible].

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on.....and will be of no effect after that date.

M.H). C.
15-2-30.

FORM D.

ILLINOIS PUBLIC WORKS.

MEDICAL CERTIFICATE.

Expires on.....

Name in full.....

Address.....

This is to certify that the above named workman on the.....
.....day of.....193 underwent medical examination prescribed by rule 4 (d) of the above Illinois Rules and that he was not then suffering from Illiteracy.

Signature and Left Thumb Impression
of workman or photograph of the
owner of the Certificate.

Race.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

Photograph of the owner of this
Certificate.

This certificate expires on .....and would be of no effect after that date.

H.C.) 6./5-2-39.

61

This form is suggested by the Mining Board

Form "A".

[illegible]

[illegible]

Expires on.....

Name in full.....

Address.....

This is to certify that the above named person on the .....day of.....19.....
underwent Medical examination prescribed by rule 3 (C) of the Kyaro Alluvials Rules and that he was then suffering from Alluvials.

State stage

Signature and left thumb impression of person or photograph of the owner of the Certificate.

Place.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

Photograph of the owner of this Certificate.

This certificate expires on the.....and would be of no effect after that date.

(G.S.).G. 10-8-30.

FORM "H".

[illegible]

[illegible]

I have this day at.....made a Post Mortem Examination on a body.

Name.

Address.

Designation

and as a result of my examination I find that

(here state what diseases were found to be present)

and I certify that the cause of death was.....

.....

and the deceased was (not) at the time of his death suffering from silicosis or

that silicosis was (not) present as a contributing or predisposing factor or cause of his death or

that silicosis was a contributing but not a predisposing cause of his death or

that silicosis was a predisposing but not a contributing cause of his death.

(If silicosis were present or a contributing or a predisposing cause of death state the condition found in the organs stated below:-

Hilar Glands.

(Right)

Pleura

(Left)

Lungs

(Right)

(Left)

any abnormalities in other organs.

Address.....

Date.....

Medical Practitioner.

[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 6-11- *193*6

No. D 3119

From

M. Venkatanarayanappa, Esq., B.A.,
Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To

The Secretary,
Messrs. John Taylor & Sons' Committee,
Oorgaum.

Sir,

Subject:- Framing of rules under the workmen's Compensation Regulation.

I am directed to acknowledge the receipt of your letter dated 24th October 1936 on the above subject and to state that the question will receive early attention.

I have the honor to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Development Department

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Appendix F G—1]

SUBJECT.....

.....

.....

Section 1c

File No. 113-35

Serial No. 17

Diary No. of letter replied to.....

No. D.3119 87/c/14

To

General and Revenue Secretariat

( )

Subject- the 193 .

framing of rules under the W.C. Regn

Date of issue.....3b.....

The Secy,

Messrs John Taylor & Sons'

Committee, Oorgaum

~~Dear~~ Sir,

I am directed ~~desired~~ to

acknowledge the receipt of

your letter dt 26.10.36 on the

above subject to state

that the question will ~~be dealt~~

~~Certainly~~ receive early attention

I have etc

Your Sincerely

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

W

5.11.36

To the Secy, for Dy Sy

Messrs John Taylor & Sons

Committee

Oorgaum

WD 03601—GPB—30,000—23-9-35

1

P. T-6

Copy of the above, together
with a copy of letter of 24.10.36
from the Secy Messrs John Taylor
Sons' Committee, as now
With Compliments to the
Director of Ce in connection
with this office letter No D 1580
Ce 15-36-12 of 26-8-1936
and for consideration while
framing the dredge rules and
to request that the necessary
dredge rules under the
new regulations may be kindly
submitted very early for
the consideration of Govt

B.O.

Answer

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue..... 12 - 11 - 36

Signed by ..... for K. R. Rao

List of enclosures.....

Copied by .....

Examined by.....

Section G & C

File No. 113-35

Serial No.

No. D. 3206 Dt 12/11/36

C

To

~~The C.A.~~

Dear Sir,

Subject

Workmen's Compensation Regulations

Framing of rules.

I am directed to acknowledge receipt of your letter dt 28. 10. 1936 on the above subject & to state that the points raised therein will receive early attention.

Yours faithfully

for 11. 11. 36

for Secretary to Govt.

To The Chairman & Ag. Secretaries
The Madras Accidents & Insurance Co. Ltd.
2-6 Second Line Beach
Madras

by

WD 03601—GPB—30,000—23-9-35

67

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D. 3711/Dev 113-35-18 *Dated, Bangalore,* 3rd December 1936
4th

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The Director of Industries and Commerce in Mysore.

Subject.- Draft revised rules under the Workmen's compensation Amending Regulation III of 1936.

Sir,

In continuation of this office letter No. D. 1500/I&C 15-36-12 dated the 26th August 1936 requesting you to submit the draft revised rules under the Wokrmen's Compensation Amending Regulation III of 1936, I am directed to enclose a copy of letter dated the 24th October 1936 received from the Secretary, Messrs. John Taylor and Sons Committee, Corgaum, and letter dated the 28th October 1936 and its enclosure received from the Chairman and Acting Secretary, the Madras Accident Insurance Association, offering certain suggestions in the matter.

I am to request you to take the suggestions made in these letters into consideration in framing the revised rules and to expedite the submission of the latter at a very early date.

I have the honor to be,

Sir,.

Your most obedient servant,

for Secretary to Government,
Development Department.

C.R.G.2

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 4/12/36

Signed by Mr K Subba Rao

W

List of enclosures.....

U D I

Copied by .....

Examined by.....

Section 9 + C

File No. 113-35

Serial No. 18

No. D. 3711 / Secs 2

To

The Director of Ins

Subject

Draft revised rules under the Workmen's Compensation Amending Regulation III of 1936

Sir,

In continuation of this office letter No D 1500 / Ins 15-36-12 D 26/8/36 requesting you to submit the draft revised rules under the W. C. Amending Regn III of 1936, I am directed to enclose a copy of letter D 24-10- received from the Secy, Messrs John Taylor & Sons' committee forgarn

WD 03601—GPB—30,000—23-9-35

and letter dt 28.10.36 and P.VD II
received
find it enclosing from the
Chairman & Hy Secy,
Re Madras Accident Insurance
Ass[n] offering certain suggestions
in the matter.

I am to request you to take the suggestions
kindly ~~favour me with your~~ opinion made in their letters
with consideration
On the several suggestions ~~made in the~~ in framing the
above communication and revised rules and
to expedite the submission
of the draft revised rules to expedite the
submission by the H.C. Attorney
Registrar to the Court at a
very early date

I have etc
2.12.36
for Secy to Govt
Law Dept

2C

9+C. 113-35-19 70

D. M. E. 31.]

Telegraphic address:
"MINESPECTOR."

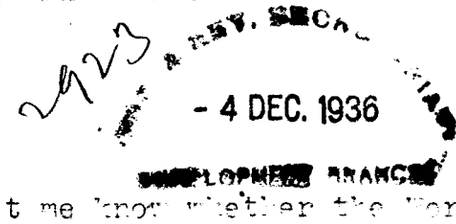
31/12/36
M

D.O. No 1226.

DEPARTMENT OF MINES AND EXPLOSIVES.

OFFICE OF THE CHIEF INSPECTOR OF MINES
IN MYSORE.

Dated, Oorgaum, 2nd December 1936.



Dear Sir,

I request you to kindly let me know whether the Workmen Compensation Amendment Regulation III of 1936 has come into force.

In view of the fact that Miner's Phthisis or Silicosis has been included under the category of occupational diseases in Schedule III by Section 27 of the Amended Regulation, please let me know whether any rules have been prescribed in regard to medical examination of workmen and autopsy on the body of deceased workmen in pursuance of Sub Section 2 (A) (Amended) of Section 3, as claims for compensation arising from this cause are subject to compliance with the requirments as may be prescribed for medical examination. Until such rules, as contemplated, are framed it may not be feasible to dispose of claims arising from Silicosis. I am writing this as such a claim has been made in the petition which was forwarded to me for disposal with your memo No.D.3443 dated 25-11-

The favour of an early reply is requested.

Yours sincerely,

C Srinivasayyangar

M. Venkatanarasappa, Esq., B.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
Bangalore.

R.S.

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Appendix F G—1]

SUBJECT.....

.....

.....

Section 9 (c)

File No. 113-35

Serial No. 20.

Diary No. of letter replied to.....

No. D. 3851

To Sir

~~Dear Sir~~

Subject

Rules under the

Workmen's Compensation

Amendment Rule III of 1936

With reference to

your D.O. letter No 1226 D 2/12/

36 enquiring if any mtr

framed already

have been ~~despatched~~ in

~~regard to~~ the medical examination

of workmen & autopsy on the

body of deceased workmen

in pursuance of Sub Sec 2 A

of the W.C. Rules and

(amended) of Sec 3 (1) in view

of the inclusion of Miners'

Phthisis or Silicosis in Schedule

III of the by the 23 of the

General and Revenue Secretariat

( )

the *193*

Date of issue 12/12/36

Signed by Mr K Subba Rao

List of enclosures.....

Copied by 11/12

Examined by.....

Amended regulations,
are drawn to show
that the Dir of I & C is making the
framing the rules in necessary draft rules
pursuance of this and he has been
Govt's decision is, under the requested to expedite
consideration of Govt their submission to
from Simla Govt
C.E. Surveyor, Madras Rep. of
to the Chief Inspector of Mines Order dated
Memo no. D 3852 dated 12/12/36 10.12.36

Copy of the above is forwarded
with compliments, with the copy
of the letter dy 2.12.36 from
the Chief Inspector of Mines
to the Director of I & C
in continuation of this office
Letter No D 3711/I & C 113-35-18
dy 4.12.36 & to request that
with the
the submission of the draft
rules under the revised Regulations
may be kindly expedited.

Recd
10.12.36
for Director of I & C

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D. 3851/I&C 113-35-20 *Dated, Bangalore,* ~~11th~~ 12 December *1936.*

From

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Development Department.

To

The Chief Inspector of Mines in Mysore,
Corgaum.

Sir,

Subject.- Rules under the Workmen's Compensation Amendment Regulation III of 1936.

With reference to your D.O. letter No.1226 dated 2nd December 1936 enquiring if any rules have been framed about the medical -- examination of workmen and autopsy on the body of deceased workmen in pursuance of Sub Section 2 A (amended) of Section 3 of the Workmen's Compensation Regulation in view of the inclusion of Miner's Phthisis or Silicosis in Schedule III by Section 23 of the amended regulation, I am directed to state that the Director of Industries and Commerce is framing the necessary draft rules and he has been requested to expedite their submission to Government.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- M.Venkatanaranappa.

Secretary to Government
Development Department.

c.n.3

Memo No. D. 3852

Copy of the above is forwarded with compliments, together with the copy of the letter dated 2nd December 1936 from the Chief Inspector of Mines, to the Director of Industries and Commerce, in continuation of this offi letter No.D.3711/I&C 113-35-18 dated 4th December 1936 with the request that the submission of the draft rules

under

under the revised Regulation may be kindly expedited.

By Order,

For Secretary to Government
Development Department.

Tele {Phone No.—211
Grams—INDUSCOM.

In reply please quote number, date & short title

6357 75

17 MAY 1937

DEVELOPMENT BRANCH

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

From (Name) S.G. Sastry, Esq.,B.A.,M.Sc.,F.C.S.,
(Designation) Director of Industries and Commerce,
Station Bangalore.

To

V. Vedavyasacharya, Esq.,B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

557 726 1.3.35-12

Enclosures Two

No F.1-290/35-36 Dated 13th May 1937

SIR,

Subject:- Rules under the Workmen's Compensation Regulation No.XIV of 1928 as amended by Regulation No.III of 1936.

113-36- With reference to your letter No. D.1500/I & C 15-36-12 dated 21/26th August 1936 on the above subject, I have the honour to forward herewith for favour of approval and needful action draft Rules to be issued under the Workmen's Compensation Regulation No.XIV of 1928 as amended by Regulation III of 1936. I am also sending herewith the draft form of a statement to be submitted by the employers under Section 10 A of the amended Workmen's Compensation Regulation as desired in your letter No.D.3008/ I & C 113-36-14 dated 28th October/3rd November 1936.

As regards the Rules relating to Silicosis, I have to state that this is a new subject and that no rules in this behalf have been framed by either the Government of India or the Provincial Governments. I am examining carefully the suggestions made by Messrs. John Taylor and Sons Committee, Oorgaum, in this connection and I shall submit a separate report to Government on this subject.

I have the honour to be,
Sir,
Your most obedient servant

Director.

S.O. Secty, Govt. of ...Dy. C.S..

Director of Industries and Commerce,

Bangalore.

V. Ve: avyasa.arya, Sec.,P.W.D.,
Secretary to the Government of ,eor-
Development Department, Bangalore.

...T.I-290\35-36 18th ...ry 1937

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Regulation No.XIV of 1928 as amended by
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Sir,
Your most obedient servant

FORM OF STATEMENT TO BE SUBMITTED BY EMPLOYERS UNDER SECTION 10-A.

To

. . . . . .

. . . . . .

Sir,

I have the honour to submit the following report of an accident which occurred on . . . . (date), at . . . . .(here enter details of premises) . . . . . and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the workman/workmen were as under:-

(a) Time of the accident:

(b) Place where the accident occurred:

(c) Manner in which deceased was/were employed at the time:

(d) Cause of the accident:

(e) Any other relevant particulars:

I have etc.,

Signature and designation of person submitting the statement.

S T A T E M E N T.

me.	Sex.	Age.	Nature of employment.	Full postal address.

* Please indicate here whether in your opinion you are or are not liable to deposit compensation on account of the death of the workman/workmen. In case you are of opinion that you are liable to deposit compensation, you are requested to make the deposit within 30 days of the service of the notice. If you are of opinion, that you are not liable to deposit compensation, you are requested to indicate the grounds on which you disclaim liability.

15/5/37

COMMISSIONER FOR WORKMEN'S COMPENSATI

FORM .
(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between.....
and..... whereas.....
has applied for registration of the agreement under section 27 have of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-
.....
an opportunity will be afforded to the said.....
of showing cause on.....19 ... why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated.....19...

.....

Commissioner.

FORM R.
(See Rule 47)

Register of Agreements
for the year 19...

Serial number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to original recording the agreement.

Commissioner

RULES ISSUED UNDER THE MYSORE WORKMEN'S COMPENSATION Regulation NO.XIV OF 1928 AS AMENDED BY REGULATION NO.III OF.....1936.

PRELIMINARY.

SHORT TITLE.

1. These Rules may be called the Workmen's Compensation Rules, 1937.

DEFINITIONS.

2. In these Rules, unless there is anything repugnant in the subject or context:-

a) "The Regulation" means the Workmen's compensation Regulation, 1928 as amended by Regulation III of 1936.

b) "Form" means a form appended to these Rules.

c) "Section" means a section of the Regulation.

PART I.

Review of Half-monthly payments and Commutation thereof.

WHEN APPLICATION MAY BE MADE WITHOUT MEDICAL CERTIFICATE.

3. Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate:-

(a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;

(b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(c) by the workman, on the ground that the

employer, having commenced to pay compensation has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

d) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;

e) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

PROCEDURE ON APPLICATION FOR REVIEW.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

PROCEDURE ON APPLICATION FOR COMMUTATION.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly

payments which would be payable, for the period during which he estimates that the disablement will continue, less ONE HALF per cent of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

P A R T II.

Deposit of Compensation and Registration of Dependants.

DEPOSIT UNDER SECTION 8 (1)

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 in respect of a workman whose injury has resulted in death, shall furnish therewith a statement in Form A, and shall be given a receipt in Form B. In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form A A, and shall be given a receipt in Form B.

(2) If, when depositing compensation in ct of fatal accidents, the employer indicat e statement referred to in sub-rule 1 that sires to be made a party to the distributi edings, the Commissioner shall, before

llotting the sum deposited as compensation fford to the employer an apportunity of stablshing that the person to whom he proposes o allot such sum is not a dependent of the eceased workman, or, as the case may be, that one of such persons is a dependant

(3) The statement of disbursements to be rurnished on application by the employer under sub-section (4) of section 8 shall be in Form C.

PUBLICATION OF LISTS OF DEPOSITS.

7. The Commissioner shall cause to be displayed in a prominent position outside his offic an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

APPLICATION BY DEPENDENTS FOR DEPOSIT OF COMPENSATION.

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form "G".

(2) If compensation has not been deposited the Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules;

Provided that:-

(a) The Commissioner may, at any time before issues are ~~framed~~ framed, cause notice to be given in such manner as he thinks fit to all or any of the dependents of the deceased workman who have not joined in the application

application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(b) any dependent to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3)If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependent of the deceased workman who failed to join in the application.

DEPOSIT UNDER SECTION 8 (2).

9. An employer depositing compensation in accordance with sub-section (2) of section 8 shall furnish therewith a statement in Form D, and shall be given a receipt in Form E.

MANNER IN WHICH COMPENSATION MAY BE INVESTED UNDER SECTION 8.

10. "Money in the hands of a Commissioner may be invested for the benefit of the dependents of a deceased workman in Government securities or may be deposited in a Government Savings Bank."

11. Workmen coming under the operation of the

Regulation may register with their employer, and with the Commissioner within whose jurisdiction they are employed the names and addresses of their dependents within the meaning of section 2 (1) (d), and on such registration the Commissioner may presume that the compensation payable to dependents on the death of the said workman is to be apportioned among the persons whose names have been so registered, unless and until any claimant whose name has not been so registered has proved his title to the satisfaction of the Commissioner in an enquiry to which the persons registered have been cited as defendants.

PART III - REPORT OF ACCIDENTS.

REPORT OF FATAL ACCIDENTS.

12. The report required by section 10B shall, subject to such rules, if any, as may be made by the local Government, be in Form E E.

RIGHT OF EMPLOYER TO PRESENT MEMORANDUM WHEN INFORMATION RECEIVED.

13.— (1) Any employer who has received information of an accident, may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner, a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

p.t.o.

P A R T IV.

MEDICAL EXAMINATION.

WORKMAN NOT TO BE REQUIRED TO SUBMIT TO MEDICAL EXAMINATION SAVE IN ACCORDANCE WITH RULES.

13. A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordanc with the Rules contained in this Part and not otherwise.

EXAMINATION WHEN WORKMAN AND MEDICAL PRACTITIONER ARE BOTH ON PREMISES.

14. When such workman is present on the employer premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

EXAMINATION IN OTHER CASES.

15. In cases to which Rule 14 does not apply, the employer may -

a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being required to do so by the medical practitioner, or

b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shal submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that -

(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M. and 6 A.M., and,

(ii) in cases where the workman's condition renders it impossible or inadvisable that he shou leave the place where ~~it~~ he is residing for the ~~ti~~ time being, he shall not be required to submit himself for medical examination save at such place

RESTRICTION ON NUMBER OF EXAMINATIONS.

16. A workman who is in receipt of a half-monthly paymant shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

EXAMINATION AFTER SUSPENSION OF RIGHT TO COMPENSATION.

17. If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has so offered himself.

EXAMINATION OF WOMEN.

18. 1) No woman shall without her consent be medically examined by a male practitioner. save in the presence of another woman.

No woman shall be required to be medically examined by a male practitioner if sh deposits a sum ~~of~~ sufficient to cover the expenses of examination by a female practitioner.

(next page)

P A R T V.

PROCEDURE.

INTODUCTORY.

19. Save as otherwise provided in these Rules, the proceudre to be followed by Commissioners in the disposal of cases under the Regulation or th. Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this Part.

APPLICATIONS.

20. (1) Any application of the nature referred to in section 21 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him ~~xxxxxxxxx~~ ~~xfxxxix~~ in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if an and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

EXAMINATION OF APPLICANT.

21. (1) On receiving such application, the commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such offic to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in section 25

SUMMARY DISMISSAL OF APPLICATION.

22. The Commissioner may, after considering

the application and the result of any examination of the applicant under rule 21, summarily dismiss the application. if, for reasons to be recorded he is of opinion that there are no sufficient grounds for proceeding thereon.

PRELIMINARY ENQUIRY INTO APPLICATION.

23. If the application is not dismissed under rule 22, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

NOTICE TO OPPOSITE PARTY.

24. If the Commissioner does not dismiss the application under Rule 22 or Rule 23 he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

APPEARANCE AND EXAMINATION OF OPPOSITE PARTY.

25. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim

claim, the Commissioner may, and if no written statement has been filed shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

FRAMING OF ISSUES.

26. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

POWER TO POSTPONE TRIAL OF ISSUES OF FACT WHERE ISSUES OF LAW ARISE.

27. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

D I A R Y.

28. The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

REASONS FOR POSTPONEMENT TO BE RECORDED.

29. If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

p.t.o

JUDGMENT.

30. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decisio and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

SUMMONING OF WITNESSES.

31. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he consider that their appearance is not necessary for the just decision of the case.

EXEMPTION FROM PAYMENT OF COSTS.

32. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to ~~xx~~ be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

RIGHT OF ENTRY FOR LOCAL INSPECTION.

33. A Commissioner before whom any proceedings relating to an ~~xxx~~ injury by accident, is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection

or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or o some person directly responsible to him for the management of the establishment.

PROCEDURE IN CONNECTION WITH LOCAL INSPECTION.

34. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing, and, in the case of an employer, may be give to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fee shall supply any party with copy thereof.

(5) The memorandum shall form part of the record.

POWER OF SUMMARY EXAMINATION.

35. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate

incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

AGREEMENT TO ABIDE BY COMMISSIONER'S DECISION.

36. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

PROCEDURE WHERE INDEMNITY IS CLAIMED UNDER SECTION 12(2).

37. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form J.

(2) If any person served with notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified

he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings: in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person, and may set aside or vary any award made against such person under this Rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall there

thereupon issue notice to such person in Form JJ.

(4) If any person served with a notice under sub-rule (3) desires to ~~xxx~~ contest the applicants's for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in Form JJ or on any date to which the case may be adjourned and if he so appears shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person serve with a notice under sub-rule (1) and to admit his own liability to indemnify the party agai whom such award is made for any compensation recovered from him.

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3), the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such ~~xxx~~ persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to

indemnify...

PROCEDURE IN CONNECTED CASES.

38. (1) Where two or more cases pending before a Commissioner arise out of the same accident and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross-examining the witnesses.

CERTAIN PROVISIONS OF CODE OF CIVIL PROCEDURE, 1911, TO APPLY.

39. Save as otherwise expressly provided in the Regulation or these Rules, the following provisions of the First Schedule to the Code of Civil Procedure. 1911, namely, those contained in Order V, Rules 9 to 30; Order VII, Rules 9 to 18; Order IX; Order XIII; Order XVI; OrderXVII; and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto;

Provided that-

a) for the purpose of facilitating the application of the said provisions, the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

b) the Commissioner may, for sufficient

sufficient reason, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

39A. Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

APPORTIONMENT OF COMPENSATION AMONG DEPENDENTS.

40. The provisons of this Part, except those contained in Rules 24,25 and 37 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased workman.

P A R T VI.

TRANSFER.

TRANSFER FOR REPORT.

41. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 20, shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

TRANSMISSION OF MONEY.

42. Money transmitted by one Commission to another in accordance with sub-section (2) of

section 20 shall be ~~transferred~~ transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner may direct.

P A R T VII.

APPOINTMENT OF REPRESENTATIVES.

WHEN REPRESENTATIVE MUST BE APPOINTED.

43. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointmen to represent such party for the purposes of the proceeding.

WHEN NEW REPRESENTATIVE TO BE APPOINTED.

44. If the Commissioner considers that the interests of any party for whom a representativ has been appointed under Rule 43 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

~~P~~A R T VIII.

RECORD OF MEMORANDA OF AGREEMENT.

FORM OF MEMORANDUM.

45. Memoranda of agreement sent to the Commissioner under sub-section (1) of section 2 shall, unless the Commissioner otherwise direct be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form K or Form L or Form M as the case may be.

PROCEDURE WHERE COMMISSIONER DOES NOT CONSIDER THAT HE SHOULD REFUSE TO RECORD MEMORANDUM.

46. (1) On receiving a memorandum of agreement, the Commissioner shall, unless he consider that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form N to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form O.

PROCEDURE WHERE COMMISSIONER CONSIDERS HE SHOULD REFUSE TO RECORD MEMORANDUM.

47. (1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he

shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should be not be recorded.

) If the parties to be informed are not present, a written notice shall be sent to them in Form P or Form Q as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties he shall proceed in accordance with Rule 46.

(4) If on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form O to any ~~an~~ party who did not receive information under sub-rule (1).

PROCEDURE ON REFUSAL TO RECORD MEMORANDUM.

48. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to recor a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement

agreement, unless opportunity has been given to the party liable to pay such ~~sym~~ sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

REGISTRATION OF MEMORANDUM ACCEPTED FOR RECORD.

49. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form R and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely:-

"This memorandum of agreement bearing Serial No.....of 19.. in the register has been recorded this.....day of

(Signature)

Commissioner."

Copy.

H.x.Ramiengar
In Director
15.5.

FORM A.

(See rule 6 (1)).

Deposit of Compensation for
Fatal Accident.

(Section 8 (1) of the Workmen's Compensation
Regulation.

Compensation amounting to Rs . . . . . is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on . . . . .

Name . . . . . .

Father's name . . . . .
(Husband's name in case
of married woman or widow.)

Caste . . . . . .

Local address . . . . . .

Permanent address . . . . .

His/Her monthly wages are estimated at Rs . . . . He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman had, prior to the date of his/her death received the following payments, namely:-

Rs . . . . . on . . . . . Rs . . . . . on . . . . . .
Rs . . . . . on . . . . . Rs . . . . . on . . . . . .
Rs . . . . . on . . . . . Rs . . . . . on . . . . . .

amounting in all to Rs

3. An advance of Rs . . . . . has been made on account of compensation to . . . . . being his/her dependant.

4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated 19

Employer.

---

* An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM AA.

(See rule 6 (1).)

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(Section 8 (1) of the Workmen's Compensation Regulation).

Compensation amounting to Rs . . . . . is hereby presented for deposit in respect of injuries sustained by . . . . . residing at . . . . . on . . . . . .19 , resulting in the loss of / temporary disablement. His / Her monthly wages are estimated at Rs . . . He / She was over / under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half monthly payments, namely:-

Rs. . . . . on . . . . . Rs. . . . . on. . . . . .

Rs . . . . . on . . . . . Rs . . . . . on . . . . .

Rs . . . . . on . . . . . Rs . . . . . on . . . . .

Dated . . . . . 19 .

EMPLOYER.

FORM B.
(See Rule 6)

RECEIPT FOR COMPENSATION.

(Deposited under section 8 (1) of the Workmen's Compensation Regulation)

Book No. Receipt No. Register No.

Depositor.....

Deceased or injured workman.....

Date of Deposit.....19 .

Sum deposited Rs.....

.....

Commissioner.

FORM C.

(See Rule 6.)

STATEMENT OF DISBURSEMENTS.

(Section 8 (4) of the Workmen's Compensation Regulation.)

Serial No. . . .

Depositor . . . . . .

Date.

Amount deposited	
Amount deducted and repaid to the employer under the proviso to section 8 (1).	
Funeral expenses paid	
Compensation paid to the following dependants:-	
Name Relationship.	
Total . . .	

Dated. 19

COMMISSIONER.

FORM D.
(See Rule 9)

Deposit of Compensation for Non-fatal Accidents, other than to a Woman or person under legal disability.

(Section 8(2) of the Workmen's Compensation) Regulation.

Compensation amounting to Rs.....is hereby presented for deposit in respect of permanent / temporary injuries sustained by..... .....

residing at.....

which occurred on.....19..

Dated.....19.. .....
Employer.

FORM E.
(See Rule 9)
Receipt for Compensation;
(Deposited under section 8(2) of the Workmen's Compensation Regulation.)

Book No.....Receipt No.....Register No.....

Depositor.....

In favour of.....

Date of Deposit.....19..

Sum deposited Rs.....

.....
Commissioner.

FORM EE.

(See R u l e 12).

Report of Fatal accidents.

To

. . . . . .

Sir,

I have the honour to submit the following report of an accident which occurred on . . . . . (date), at . . . . . (here enter detail of premises) . . . . . and which resulted in the death of the workman/Workmen of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the workman/workmen were as under:-

(a) Time of the accident;

(b) Place where the accident occurred;

(c) Manner in which deceased was/were employed at the time;

(d) Cause of the accident;

(e) Any other relevant particulars.

I have etc.,

Signature and designation of person making the report.

STATEMENT.

Name.	Sex.	Age.	Nature of employment.	Full postal address.

FORM F.
(See Rule 20)

Application for Compensation by workman.

To the Commissioner for Workmen's Compensation,

....

.....

residing at.....applicant

.....residing at.....opposite party

It is hereby submitted that-

(1) the applicant, a workman employed by (a contractor with) the opposite party on the.....day of ..... 19... received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

.....

(2) the applicant sustained the following injuries, namely:-

.....

.....

(3) the monthly wages of the applicant amounted to Rs..... the applicant is over / under the age of 15 years.

(4)(a) Notice of the accident was served on the..... day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.....

*(5) the applicant is accordingly entitled to receive-

(a) half-monthly payments of Rs.....from the..... day of.....19.....to.....

(b) a lumpsum payment of Rs.....

(6) the applicant has taken the following steps to secure a settlement by agreement, namely.....

.....

but it has proved impossible to settle the question in dispute because.....

.....

You are therefore requested to determine the following questions in dispute, namely:-

(a) whether the applicant

p.t.o.

(a) whether the applicant is a workman within the meaning of the regulation,

(b) whether the accident arose out of or in the course of the applicant's employment,

(c) Whether the amount of compensation claimed is due, -- any part of that amount,

(d) whether the opposite party is liable to pay such compensation as is due.

(e) etc., (as required).

.....

Dated the..... .....Applicant.

Strike out the clauses which are not applicable.

FORM G.

(See Rule 20)

Application for order to Deposit Compensation.

To the Commissioner for Workmen's Compensation,

....

.....residing at

.....applicant

VERSUS

.....residing at.....opposite party

It is ~~xx~~ hereby submitted that-

(1).....a workman employed by (a contractor with) the opposite party on the .....day of.....19.....received personal injury by accident arising out of and in the course of his employment resulting in his death on the.....day of.... 19.... The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

.....

(2) The applicant (s) is a / are dependent (s) of the deceased workman, being his.....,

(3) The monthly wages of the deceased amount to Rs.....

The deceased was over / under the age of 15 years at the time of his death.

* (4) (a) Notice of the accident was served on the..... day of.....

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of..... ....

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant (s) is / are accordingly entitled to receive a lump sum payment of Rs.....

p.t.o.

FORM H.
(See Rule 20)

Application for Commutation,

(Under section 7 of the Workmen's Compensation Regulation).

To the Commissioner for Workmen's compensation,

.....

.....residing.at....

.....applicant

Versus,

.....residing at

..... opposite party.

It is hereby submitted that-

(1) The applicant / opposite party has been in receipt of half-monthly payments from.....to..... .... in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the ~~regarding the sum x for which~~ redemption of the right to receive half-monthly payments ~~should be redeemed~~.

(b) The parties have been unable to agree regarding the sum for which the right to receive half monthly payments should be redeemed.

You are therefore requested to pass orders-

(a) directing that the right to receive half-monthly payments should be redeemed,

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

.....Applicant.

Dated.....

FORM J.
(See Rule 37)

NOTICE.

Whereas a claim for compensation has been made by.....
applicant, against....., and the said.....has claimed
that you are liable under section 12 (2) of the Workmen's
Compensation Regulation, to indemnify him against any com-
pensation which he may be liable to pay in respect of the
aforesaid claim, you are hereby informed that you may appear
before me on..... ....1.....
amd contest ~~that~~ the claim for compensation made by the said
applicant or the claim for indemnity made by the opposite par
In default of your appearance, you will be deemed to admit
the validity of any award made against the opposite party
and your liability to indemnify the opposite party for any
compensation recovered from him.

.....

Commissioner.

Dated.....19...

FORM JJ.

(See rule 36.)

NOTICE.

Whereas a claim for compensation has been made by . . . . . applicant, against . . . . . and the said . . . . . has claimed that . . . . . is liable under section 12 (2) of the Workmen's Compensation Regulation, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said. . . . . on notice served has claimed that you . . . . . stand to him in the relation of a contractor from whom the applicant . . . . . could have recovered compensation, you are hereby informed that you may appear before me on . . . . . and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party . . . . . In default of your appearance you will be deemed to admit the validity of any award made against the opposite party . . . . . and your liability to indemnify the opposite party . . . . . for any compensation recovered from him.

Dated . . . . . COMMISSIONER.

FORM K.

(See Rule 45).

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the..... day of .....19.....personal injury was caused to ....residing at....., by accident arising out of and in the course of employment in..... The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than of his previous any wages for a period of .....months. The said workman has been in receipt of half-monthly payments which have continued from the .....day of.....19.....until the.....day of .....19....., amounting to Rs.....in all. The said workman's monthly wages are estimated at Rs..... The ~~Workman~~ workman is over the age of 15 years / will reach the age of 15 years on....

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of ~~all~~ and every claim under the Workmen's Compensation Regulation in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of the employer.....

Witness.....

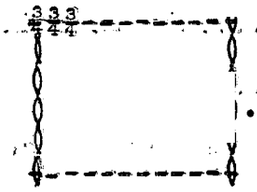
Signature of workman.....

Witness.....

(Note:- An application to register an agreement can be presented under the signature of one party, provided that the other has agreed to the terms. But both signatures should be appended whenever possible.)

RECEIPT (To be continued from the memorandum)
(To be filled in when money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs.....



.....Workman.

Dated.....19--

The money has been paid and this receipt signed in my presence.

.....Witness.

Note:- This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when workman is under legal disability, etc.

FORM L.

(See Rule 45)

Memorandum of Agreement.

It is hereby submitted that on the.....day of..... 19...., personally injury was caused to....., residing at ....., by accident arising out of and in the course of his employment in.....

.....

The said injury has resulted in permanent disablement to the said workman of the following nature, namely.....

The said workman's monthly wages are estimated at Rs.....

The workman is over the age of 15 years
will reach the age of 15 years on.....

The said workman has, prior to the date of this agreement, received the following payments, namely:-

Rs.....on.....Rs.....on.....

Rs.....on.....Rs.....on.....

Rs.....on.....Rs.....on.....

It is further submitted that.....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Regulation, in respect of the disablement stated above and all disablement now manifes

It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer.....

Witness.....

Signature of workman.....

Witness.....

(Note:- An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended whenever possible).

Receipt (to be filled in when the money has actually been paid.

In accordance with the above agreement, I have this day received the sum of Rs.....

.....workman.

P.t.o. (contd)

Dated.....198...

The money has been paid and this receipt signed in my presence.

.....Witness.

Note:- This form may be varied to suit special cases, e.g., injury by occupational disease, agreement xxxwhen workman is under legal disability, etc.

FORM M.

(See Rule 45)

Memorandum of Agreement.

It is hereby submitted that on the.....
day of.....19.....personal injury was caused to.....
.....residing at.....
by accident arising out of and in the course of employment in..
....The said injury has resulted in temporary disablment to the said workman, who is at present in receipt of wages amounting to Rs.....per month. The said workman's monthly wages prior to the accident are estimated at Rs.....The workman is subject to a legal disability by reason of.....

It is further submitted that.....the employe of the workman has agreed to pay and .....on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs.....for the period of the said tempora disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in - accordance with the provisions of the Workmen's Compensation Regulation on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under section 7 of the said Regulation are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer.....

Witness... .....

Signature of workman.....

Witness.....

Note:--An application to register an agreement can be present under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be - appended, whenever possible).

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs.....

.....workman.

Dated.....19....

The money has been paid and this receipt signed in my presence.

.....Witness.

Note:- This form may be varied to suit special cases, e.g. injury by occupational disesses etc.,

FORM N.
(See Rule 46)

Whereas an agreement to pay compensation is said to have been reached between.....
and.....and whereas.....
has applied for registration of the agreement under section 27 of
have the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken ~~x~~ into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....
Dated.....19. Commissioner.

FORM O.
(See Rules 56 and 57)

Take notice that registration of the agreement to pay compensation said to have been reached between you.....
.....and on the.....19
has been refused for the following reasons, namely:-
.....
.....
.....

.....
Commissioner.
Dated.....19

FORM P.
(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between.....
and.....and whereas.....
has
have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-
.....
.....
and opportunity will be afforded to you of showing cause on.....
.....19 why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

.....
Commissioner.
Dated.....19

FORM N.
(See Rule 46)

Whereas an agreement to pay compensation is said to have been reached between..... .....
and .....and whereas.....
has applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on.....19..., and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

....

Dated.....19... Commissioner.

FORM Q.
(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between..... .....
and.....and whereas.....
has applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registere for the following reasons, namely:-
.....
an opportunity will be afforded to the said.....
of showing cause on.....19...why the said agreemen should be registered. Any representation which you have to ma with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registere

.....

Commissioner.

Dated.....19...

FORM R.
(See Rule 49)

Register of agreements
for the year 19...

Serial number	Date of agreement.	Date of registration.	Employer.	Workman.	Initials of Commissioner	Reference to orders recti fying the register.

347

19 JULY 1937

Tele {Phone No.—211
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

121

From (Name) S.G. SASTRY, ESQ., B.A., M.Sc., F.C.S.,

(Designation) Director of Industries & Commerce in Mysore,

Station Bangalore.

To

M. VENKATANARANAPPA, ESQ., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

No. F1-290/35-36 Dated 16th July 1937.

Enclosures...One.....

.....

SIR,

Subject:- Rules under the Workmen's - - -
Compensation Regulation No.XIV of 1928
as amended by Regulation No.III of 1936.

In continuation of my letter of even number dated the 13th May 1937 on the above subject, forwarding for the approval of Government, draft rules to be issued under the Amended Workmen's Compensation Regulation III of 1936, I have the honour to forward herewith, for the information of Government, a copy of the letter dated 28-6-37 received from the Manager, Calcutta Claims Bureau, Calcutta, - - enquiring when the rules under the new Regulation would be brought into operation.

I request that early action may kindly be taken in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

DIRECTOR.

Submitted for perusal.
The Draft rules have been returned back to the Director for revision.

kss.

Copy of letter dated the 28th June 1937 from the Manager, Calcutta Claims Bureau, Calcutta, to the Director of Industries and Commerce in Mysore, Bangalore.

Subject:- Workmen's Compensation in Mysore State.

With reference to your letter No. F.CWC/34-35 dated 27th February last, on the above subject, I have the honour to enquire whether the amended Rules under the Workmen's Compensation Regulation have yet been framed and issued or otherwise.

If the rules have not yet been finally passed, I am to enquire when it is expected that they will be so passed and will come into operation.

****

" COPY "

DIRECTOR.

kss.)16-7-37.

Appendix F G—1]

123

SUBJECT .....

.....

.....

Section 9(c)

File No. 113 - 35

Serial No.

Diary No. of letter replied to.....

No.

To

The Director of I & C

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to your letter No. 71-290/35-36 dated 18th May 1936 forwarding a draft rule for amending the Workmen's Compensation Regulation ~~no XIV of 1928 as amended by Regn no III of 1936~~ I am directed to state that as the Regulation has since been amended by Regn III of 36 XIII of 1928 it has become necessary to frame additional rules and modify some of the existing rules and it is only in this draft that the additions and alterations that have to be published in the Gazette. The draft rules now

Date of issue.....

igned by .....

List of enclosures.....

Copied by .....

Examined by.....

WD 0521—GPB—30,000—12-3-37

submitted incorporate the proposed additions and alterations and read as though the rules under the Regulation are framed anew for the first time.

It would greatly facilitate the Secretary and later on, the publication in the Gazette, if the proposed additional rules and forms and the changes in the existing rules are separated.

In the light of the above observation action may be taken to revise the draft rules accordingly and submit them to Govt for further in appropriate and needful action.

The draft rules received with the letter under reference are returned herewith for reference & necessary action.

Received

for Secretary

for this reason, I am directed to request you to do so as to separate the proposed additional rules & forms & the changes in the existing rules and re submit them for necessary further action.

I am to add that such a course would also facilitate the publication of the additions & amendments in the Gazette in due course.

SUBJECT .....

.....

.....

Section 9(c)

No. D2260. File No. 113-35

Serial No. 22

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

Date of issue.....13-9-37.....

Signed by ...D. Subba Rao.....

Replaces III of 1936,

List of enclosures.....

Copied by .....

Examined by.....

No. tification

To

The following draft ~~Rules~~ amendments to the Workmen's Compensation Rules 1929, which the Govt propose to make for the Province in exercise of the powers conferred by Sec 31(1) of the Workmen's Compensation Act as amended by Act XIV of 1928 as amended by Act III of 1936 on the subject of carrying out into effect the provisions of the Workmen's Compensation Regulation ~~Act~~ XIV of 1928 as amended by Regulation III of 1936 in exercise of the powers conferred by Sec 31(1) of the Workmen's Compensation Act as amended by the Workmen's Compensation Regulation 1928, are hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 1st December 1937. Any objections or suggestions which may be received from any

herson with respect to the
said rule before the date
aforesaid will be taken
into consideration

By order

Secy to Govt

Dep. Secy

To

The Superintendent, Mysore Gazette

for publication in the Gazette and to

supply 50 spare copies of

the Notification with amendments

etc

...ber 1957.

B15

D2260/2&C. 113-35-22

Enclosure

...ensation ...of the ...compens... ...are here... ...reflected ...will b... ...1957. Any ...rson wit... ...be taken ...to.

...

R Scrivener

for ...
Secy

Publication in the Gazette and for supply of 50 copies of the notification with amendments etc

Amendments to the Mysore Workmen's Compensation Rules, 1929.

PART I.

Review of half-monthly payments and commutation thereof.

Rule 3. Omit sub rule (d). Read sub rule (e) as sub rule (d) and insert the following as sub rule (e)

"Either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record"

PART II.

Deposit of compensation and registration of dependants.

Rule 6. Under Sub-rule (1), after the words " An employer depositing compensation with the Commissioner under sub-section (1) of section 8, " insert the following words:-

" In respect of a workman whose injury has resulted in death"

Insert the following after the words "Form B" appearing under sub-rule (1)

"In other cases of deposits with the Commissioner " under sub-section (1 of section 8, the employer shall furnish a statement in Form "A" and shall be given a receipt in form "B"

Under sub-rule (2) delete the words, "If in the statement referred to in

sub-rule (1) the employer indicates"

substitute the following:

"If when depositing compensation in respect of fatal accidents, the employ indicates in the statement referred to in sub-rule (1)".

Rule 7. After the words, " In respect of the death", add the words " Or injury".

Rule 8. For sub-rule (1) substitute the following sub-rule:

A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in form 'J' "

For the heading "Procedure where compensation deposited" appearing against Sub-rule (1) of rule 8, substitute the following heading:

"Application by dependants for deposit of compensation"

In sub-rule (2) before the words, "The Commissioner shall dispose of", insert the words "If compensation has not been deposited".

Rule 10. Substitute the following Rule for Rule 10 " Money in the hands of a Commissio may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank".

PART III.

For the title "Inquiry by loyer"

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-app ing und Part III substitute the following title"Reports of Accidents".

Rule 12. Insert the following Rule as Rule 12 before sub-rule (1) of Rule 12.

"The report required by Section 10 B shall subject to such rules, if any, as may be made by Government be in the Form "EE".

Insert the heading "Report of fatal accidents" against Rule 12.

Read Rule 12(1) as sub rule 12 A(1) and substitute the word "Who has received" information of an accident" for the words " To whom notice of an accident has been given" appearing under this Rule.

Substitute the words " Information received" for the words "Notice given" appe in the heading against Rule 12A(1)

PART V.

Procedure.

Rule 21. Substitute the following for sub-rule (1) Rule 21.

" On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant his witnesses and forward the record thereof t the Commissioner".

Rule 37. After sub-rule (2) insert the following sub-rules as sub-rules 3 and 4

(3) "If any person served with a notice under su-rule (1), whether or not he desires t contest the applicant's claim for comp. atio or the opposite party's claim to be ind ified clai that being a contractor he is himself a

a principal and is entitled to be indemnified, by a person standing to him in the relation of a contractor from whom the workmen could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form "JJ"

(4) " If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice in Form "JJ" or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made

order against such person under this rule upon such terms as may be just".

Substitute the following sub-rule for sub-rule (5) and re-number it as sub-rule (5)

'In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.'

Insert the following Rule as Rule 29-A after Rule 29.

"Any form other than a receipt for compensation, which by these rules required to be signed by a Commissioner may be signed ~~by~~ under his direction and on his behalf by any of such subordinate as is by him appointed by him in writing for that purpose.

Form I.

Substitute the following form for Form I.

After Form I insert the following Form as Form "II".

In Form 'I' after the column 'Amount deposited' insert the following column:

"Amount of deposit to be paid to the employer under the proviso to section 8(1)

In Form 'I' after the words "non fatal accidents" add the words 'other than to a minor or person under legal disability'

Form 'I' — After Form 'I' insert the following form as Form 'I-A'

Form 'J' — Omit the word "Not" appearing under item No.4(a) of Form 'J'

Form 'C' — Delete the words " to determine the following questions in dispute, namely" appearing below item No.7 and substitute the following:

" to award to the applicant the said compensation or any other compensation to which/ he may be entitled".

Delete the clauses (a), (b), (c), (d), (e), (f) and (g) appearing below item No.7.

Form 'J' — After Form 'J' insert the following form as Form 'J-A'.

Form 'L' — After Form 'L' insert the following forms namely Form 'B', Form 'C', Form 'D' Form 'E' and Form 'H' published on pages 25 to 50 of Part III of the Mysore Gazette dated 7th March 1968.

FORM A.

(See rule 6 (1)).

Deposit of Compensation for
Fatal Accident.

(Section 8(1) of the Workmen's Compensation
Regulation.

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in the death of a workmen, whose particulars are given below, which occurred on.....

Name . . . . . .

Father's name .....
(Husband's name in case of
married women or widow.)

Caste.....

Local address .....

Permanent address .....

His/Her monthly wages are estimated at Rs..... He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman had, prior to the date of his/her death received the following payments, namely:-

Rs..... on..... Rs..... on.....
Rs..... on..... Rs..... on.....
Rs.....on ..... Rs..... on.....

amounting in all to Rs.

3. An advance of Rs..... has been made on account of compensation to..... being his/her dependant.

4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated 19

Employer.

---

*. An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM AA.

(See rule 6 (1).)

NOTICE OF APPLICATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(Section 8 (1) of the Workmen's Compensation Regulation).

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries sustained by .....residing at..... on..... 19 , resulting in the loss of temporary disablement. His/Her monthly wages are estimated at Rs. . . He/She was over/under 15 years of the time of the accident.

2. The said injured workmen has prior to the date of the deposit received the following half monthly payments, namely:-

Rs. . . . . on. . . . . Rs. . . . . on .....

Rs. . . . . on . . . . . Rs. . . . . on . . . .

Rs. . . . . on . . . . . Rs. . . . . on . . . .

Dated . . . . . 19 .

EMPLOYER.

FORM 22.

(See Rule 18).

Report of Fatal accidents.

To

. . . . . .

Sir,

I have the honour to submit the following report of an accident which occurred on . . . . . (date), at.....(here enter details of premises) . . . . . and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the workman/workmen were as under:-

(a) Time of the accident:

(b) Place where the accident occurred:

(c) Manner in which deceased was/were employed at the time:

(d) Cause of the accident:

(e) Any other relevant particulars.

I have etc.,

Signature and designation of person making the report.

Statement.

Name.	Sex.	Age.	Nature of employment.	Full postal address.

FORM JJ.

N O T I C E.

Whereas a claim for compensation has been made by ..... applicant, against..... and the said ..... has claimed that..... is/are liable under Section 15(2) of the Workmen's Compensation Regulation, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said..... on notice served has claimed that you.....stand to him in the relation of a contractor from whom the applicant..... could have recovered compensation you are hereby informed that you may appear before me on. . . . . and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party .....l... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... and your liability to indemnify the opposite party ..... for any compensation recovered from him.

Dated.....

COMMISSIONER.

Amendments to the Mysore Workmen Compensation Rules, 1929.

PART I.

Review of half-monthly payments and commutation there-of.

Rule 3. Omit sub rule 'D'. Read sub rule 'E' as sub rule 'D' and insert the following as sub rule 'E':

"Either by the employer or the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record"

PART II.

Deposit of compensation and Registration of dependants.

Rule 6. Under Sub-rule (1), after the words "An employer depositing compensation with the Commissioner under sub-section (1) of section 8," insert the following words;—

"In respect of a workman whose injury has resulted in death"

Insert the following after the words "Form B" appearing under sub-rule (1):

"In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form "AA" and shall be given a receipt in Form "B"

Under sub-rule (2) delete the words "If in the statement referred to in sub rule (1) the employer indicates" and substitute the following:

"If when depositing compensation in respect of fatal accidents the employer indicates in the statement referred to in sub-rule (1)".

After the words, "in respect of whose death" add the words " or injury". Rule 7.

For sub-rule (1) substitute the following sub-rule: Rule.8

"A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in form 'G' ".

For the heading "Procedure where compensation deposited" appearing against rule 8, substitute the following heading:

"Application by dependants for deposit of compensation"

In sub-rule (2) before the words, "The Commissioner shall dispose of" insert the words "If compensation has not been deposited".

Substitute the following Rule for Rule 10; "Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank". Rule 10.

PART III.

For the title "Inquiry by employer" appearing under Part III substitute the following title "Reports of Accidents".

Rule 12.

Insert the following Rule as Rule 12 before sub-rule (1) of Rule 12.

"The report required by Section 10 B shall, subject to such rules, if any, as may be made by ~~the Local~~ Government, be in Form "EE".

Insert the heading "Report of fatal accidents" against Rule 12.

Read Rule 12(1) as Rule 12-A(1) and substitute the words "who has received" information of an accident" for the words "to whom notice of an accident has been given" appearing under this Rule.

Substitute the words "information received" for the words "notice given" appearing in the heading against Rule 12-A(1)

PART V.

Procedure.

Rule 21.

Substitute the following for sub-rule (1) of Rule 21.

"On receiving such application, the Commissioner may examine the applicant ~~xi~~ on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner

Rule 37.

After sub-rule (2) insert the ~~fxxx~~ following sub-rules as sub-rules 3 & 4

(3) "If any person served with a notice under sub-rule (1), whether or not

he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner, accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form "JJ".

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice in Form "JJ" or on any date to which the case may be adjourned and if he so appears shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by

by any sufficient cause from appearing the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just."

Substitute the following sub-rule for sub-rule (3) and re-number it as sub-rule (5)

"In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgement a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify."

Insert the following Rule as Rule 39-A after Rule 39.

"Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose."

FORMS.

Form A.

Substitute the following Form for Form "A".

Flag 'Z'

After Form "A" insert the following Form as Form "AA".

Form "C" In Form 'C' after the column "Amount deposited" thn insert the following column:-

"Amount deducted and repaid to the employer under the proviso to section 8(1)"

Form 'D' In Form 'D' after the words "Non fatal accidents" add the words "Other than to a woman or person under legal disability"

Form 'E' After Form 'E' insert the following form as Form 'EE'.

Form 'F' Omit the word "Not" appearing under Item No.4(a) of Form 'F'

Form 'G' Delete the words "to determine the following questions in dispute, namely" appearing below item No.7 and substitute the following:

"to award to the applicant the said compensation or any other compensation to which he may be entitled".

Delete clauses (a), (b), (c), (d), (e), (f) & (g) appearing below item No.7.

Form 'J' After Form 'J' insert the following form as Form 'JJ'.

Form 'M' After Form 'M' insert the following forms namely Form 'N', Form 'O', Form 'P', Form 'Q' and Form 'R' published on pages 25 to 50 of Part III of the Mysore Gazette dated 7th March 1929. [Copies Enclosed.]

FORM A.

(See rule 6 (1)).

Deposit of Compensation for
Fatal Accident.

(Section 8 (1) of the Workmen's Compensation
Regulation.

Compensation amounting to Rs . . . . . is hereby presented for deposit in respect of injuries resulting in the death of the workman whose particulars are given below, which occurred on . . . . . .

Name . . . . . .

Father's name . . . . .
(Husband's name in case
of married woman or widow.)

Caste . . . . . .

Local address . . . . . .

Permanent address . . . . .

His/Her monthly wages are estimated at Rs . . . . He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman had, prior to the date of his/her death received the following payments, namely:-

Rs . . . . . on . . . . . Rs . . . . . on . . . . . .
Rs . . . . . on . . . . . Rs . . . . . on . . . . . .
Rs . . . . . on . . . . . Rs . . . . . on . . . . . .

amounting in all to Rs

3. An advance of Rs . . . . . has been made on account of compensation to . . . . . being his/her dependant.

4. * I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated 19

Employer.

---

* An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM AA.

(See rule 6 (1).)

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(Section 8 (1) of the Workmen's Compensation Regulation).

Compensation amounting to Rs . . . . . is hereby presented for deposit in respect of injuries sustained by . . . . . residing at . . . . . on . . . . . .19 , resulting in the loss of / temporary disabl[illegible] His / Her monthly wages are estimated at Rs . . . He / She was over / under 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half monthly payments, namely:-

Rs. . . . . on . . . . . Rs. . . . . on. . . . . .

Rs . . . . . on . . . . . Rs . . . . . on . . . . .

Rs . . . . . on . . . . . Rs . . . . . on . . . . .

Dated . . . . . 19 .

EMPLOYER.

FORM EE.

(See R u l e 12).

Report of Fatal accidents.

To

. . . . . .

Sir,

I have the honour to submit the following report of an accident which occurred on . . . . . (date), at . . . . . (here enter details of premises) . . . . . and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the workman/workmen were as under:-

(a) Time of the accident:

(b) Place where the accident occurred:

(c) Manner in which deceased was/were employed at the time:

(d) Cause of the accident:

(e) Any other relevant particulars.

I have etc.,

Signature and designation of person making the report.

STATEMENT.

Name.	Sex.	Age.	Nature of employment.	Full postal address.

FORM JJ.

(See rule 36)

NOTICE.

Whereas a claim for compensation has been made by . . . . . applicant, against . . . . . and the said . . . . . has claimed that . . . . . is liable under section 12 (2) of the Workmen's Compensation Regulation, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said. . . . . on notice served has claimed that you . . . . . stand to him in the relation of a contractor from whom the applicant . . . . . could have recovered compensation you are hereby informed that you may appear before me on . . . . . and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party . . . . . In default of your appearance you will be deemed to admit the validity of any award made against the opposite party . . . . . and your liability to indemnify the opposite party . . . . . for any compensation recovered from him.

Dated . . . . . COMMISSIONER.

FORM N.
(See Rule 46)

Whereas an agreement to pay compensation is said to have been reached between.....
and.....and whereas.....
has applied for registration of the agreement under section 27 of ~~have~~ the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

.....
Dated.....19 . Commissioner.

FORM O.
(See Rules 46 and 47)

Take notice that registration of the agreement to pay compensation said to have been reached between you.....
.....and on the.....19
has been refused for the following reasons, namely:-
.....
.....
.....

.....
Commissioner.

Dated.....19

FORM P.
(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between.....
and.....and whereas.....
has
have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-
.....
.....
and opportunity will be afforded to you of showing cause on.....
.....19 why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

.....

Commissioner.

Dated.....19 .

FORM N.
(See Rule 46)

Whereas an agreement to pay compensation is said to have been reached between..... .....
and .....and whereas.....
has applied for registration of the ~~x~~ agreement under section ~~XIV~~ of the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on.....19..., and that any objections to the registratre of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

....

Dated.....19... Commissioner.

FORM O.
(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between..... .....
and.....and whereas.....
has applied for registration of the agreement under section ~~Xxxx~~ of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-
.....
an opportunity will be afforded to the said.....
of showing cause on.....19...why the said agreement should be registered. Any representation which you have to mak with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

.....

Commissioner.

Dated.....19...

FORM R.
(See Rule 49)

Register of agreements
for the year 19...

Serial number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the register.

FORM N. (see rule 46)

Whereas an agreement to pay compensation is said to have been reached between.....
and..... and whereas.....
has applied for registration of the agreement under section 27 of
have the Workmen's Compensation Regulation, notice is hereby
given that the said agreement will be taken into consideration
on..... 19 , and that any objections to the registration
of the said agreement should be made on that date. In the
absence of valid objections, it is my intention to proceed to
the registration of the agreement.

Dated.....19

.....
Commissioner.

FORM O.
(See Rules 46 and 47)

Take notice that registration of the agreement to pay
compensation said to have been reached between you.....
..... and on the..... 19
has been refused for the following reasons, namely:-
.....
.....
.....

Dated.....19
I

.....
Commissioner.

FORM P.
(See Rule 47)

Whereas an agreement to pay compensation is said to have been
reached between.....and whereas.....
and.....
has applied for registration of the agreement under section 27
have the Workmen's Compensation Regulation, and whereas it appears
to me that the said agreement ought not to be registered for
the following reasons, namely:-
.....
.....
and opportunity will be afforded to you of showing cause on....
..... 19 why the said agreement should be registered. If
no adequate cause is shown on that date, registration of the
agreement will be refused.

.....
Commissioner.

Dated..... 19

(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between.....
and..... whereas.....
has applied for registration of the agreement under section 27 have of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-
.....
an opportunity will be afforded to the said.....
of showing cause on.....19 ... why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated.....19...

.....

Commissioner.

FORM R.
(See Rule 49)

Register of agreements
for the year 19...

Serial number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to order rectifying the register.

Commissioner.

[illegible]

[illegible] October 1937.

13 15

No. D 2260/2 & C 113-35-22

Enclosure [illegible]

[illegible]

[illegible]

[

...ndments to the Mysore Wor
Comp ...ation Rul , 1929.

PART I.

Review of half-monthly payments
com utation thereof.

Rule 8.

(mit sub rule (d). Read sub rule (e) as sub rule (d) and insert the following as sub rule (e)

"Either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record"

PART II.

Deposit of compensation and registration of dependants.

Under Sub-rule (1), after the words " An employer depositing co pensation with the Commissioner under sub-sectio (1) of section 8, & insert the following words:-

" In respect of a workman whose injury has resulted in death"

Insert the following after the words "Form B" appearing under sub-rule (1)

"In other cases of deposits with the Commissioner " under sub-section (1) of section 8, the employer shall furnish a statement in Form "AA" and shall be given a receipt in Form "E"

Und sub-rule (2) delete the words, "If in the statement referred to in su-

sub-rule (1) the employer indicates" substitute the following:

"If when depositing compensation in respect of fatal accidents, the employ indicates in the statement referred to in sub-rule (1)".

Rule 7. After the words, " In respect of death", add the words " Or injury".

Rule 8. For sub-rule (1) substitute the following sub-rule:

" A dependant of a deceased workman apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in form 'G' ".

For the heading "Procedure where compensation deposited" appearing against sub-rule (1) of rule 8, substitute the following heading:

"Application by dependants for deposit of compensation"

In sub-rule (2) before the words, "The Commissioner shall dispose of", insert the words "If compensation has not be deposited".

Rule 10. Substitute the following Rule for Rule 10 " Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Sever Securities or may be deposited in a Government Savings Bank".

PART III.

For the title "Inquiry by employ

-app ing under P t III substitute e following title"Reports of Accidents".

Rule 12. Insert the following Rule as Rule 12 before sub-rule (1) of Rule 12.

"The report required by Section 10 B shall, subject to such rules, if any, as may be made by Government be in the Form "EE".

Insert the heading "Report of fatal accidents" against Rule 12.

Read Rule 12(1) as sub rule 12 A(1) and substitute the words "who has received" information of an accident" for the words " To whom notice of an accid t has been given" appearing under this Rule.

Substitute the words " Information received" for the words "Notice given" appe ing in the heading against Rule 12A(1)

PART V.

Procedure.

Rule 21. Substitute the following for sub-rule (1) of Rule 21.

" On receiving such application, the Commissioner may examine the applicant on oath or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applic and his witnesses and forward the record thereof to the Commissioner".

Rule 37. After sub-rule (2) insert the following sub-rules as sub-rules 3 and 4

(3) "If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compe sation or the opposite party's claim to be indemnified, claims that being a cont tor he is himself a

a pri ipal and is entitled to be indemnified, by a person standing to him in the relation of a contractor from whom the workmen could have recovered compensatio , he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form "JJ"

(4) " If any person served with a notice under sub-rule (3) desires to contest ap licant's claim for compensation, or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice in Form "JJ" or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfied the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made

made against such person under this rule upon such terms as may be just".

"Substitute the following sub-rule for sub-rule (5) and re-number it as sub-rule (5)

"In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify."

Insert the following Rule as Rule 29-A after Rule 29.

" Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

RULE.

Substitute the following form for Form "A"

After Form "A" insert the following form as Form "AA".

Form "C"

In Form "C" after the column "Amount deposited" insert the following column:-

"Amount ordered and repaid to the employer under the proviso to section 8(1)"

Form "D"

In Form "D" after the words "Non fatal accidents" and the words "Other than to a woman or person under legal disability"

Form 'F' — After Form 'F' insert the following form as Form 'FF'

Form 'I' — Omit the word "Not" appearing under it No.4(a) of Form 'F'

Form 'G' — Delete the words " To determine the following questions in dispute, namely" appearing below item No.7 and substitute the following:

" To award to the applicant the said compensation or any other compensation to which he may be entitled".

Delete the clauses (a), (b), (c), (d), (e), (f) and (g) appearing below item No.7.

Form 'J' — After Form 'J' insert the following form as Form 'JJ'.

Form 'H' — After Form 'H' insert the following forms namely Form 'A', Form 'C', Form 'D' Form 'G' and Form 'R' published on pages 48 to 50 of Part III of the Mysore Gazette dated 7th March 1929.

FORM A.

(See rule 6 (1)).

Deposit of Compensation for
Fatal Accident.

(Section 8(1) of the Workmen's Compensation
Regulation.

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries resulting in the death of a workman, whose particulars are given below, which occurred on.....

Name . . . . . .

Father's name .....
(Husband's name in case of married woman or widow.)

Caste.....

Local address .....

Permanent address .....

His/Her monthly wages are estimated at Rs..... He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman had, prior to the date of his/her death received the following payments, namely:-

Rs..... on.....	Rs..... on.....
Rs..... on.....	Rs..... on.....
Rs.....on	Rs..... on.....

amounting in all to Rs.

3. An advance of Rs..... has been made on account of compensation to..... being his/her dependant.

4. I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated , ... 19

Employer.

---

*. An employer desiring to be made a party to the proceedings should strike out the words "do not".

FORM AA.

(See rule 6 (1).)

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(Section 8 (1) of the Workmen's Compensation Regulation).

Compensation amounting to Rs..... is hereby presented for deposit in respect of injuries sustained by .....residing at..... on..... 19 , resulting in the loss of / temporary disabl ent. His / Her monthly wages are estimated at Rs. . . He / She was ever / under the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half monthly payments, namely:-

Rs. . . . . on. . . . . Rs. . . . . on .....

Rs. . . . . on . . . . . Rs. . . . . on . . . .

Rs. . . . . on . . . . . Rs. . . . . on . . . .

Dated . . . . . 19 .

EMPLOYER.

(See Rule 121).

Report of Fatal accidents.

To

. . . . . .

Sir,

I have the honour to submit the following report of an accident which occurred on . . . . . (date), at.....(here enter details of premises) . . . . . and which resulted in the death of the workman of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the workman were as under:-

(a) Time of the accident:

(b) Place where the accident occurred:

(c) Manner in which deceased was employed at the time:

(d) Cause of the accident:

(e) Any other relevent particulars.

I have etc.,

Signature and designation of person making this report.

Statement.

Name.	Sex.	Age.	Nature of employment.	Full postal address.

FORM 33.

N O T I C E.

Whereas a claim for compensatio
applicant, against..... been made by .....
has claimed that..... is said .....
liable under Sect
12(2) of the Workmen's Compensation Regu
n, to indemnify
against any compensation which he may be l
, to pay in
respect of the aforesaid claim, and whereas
said.....
on notice served has claimed that you.....
.....st
to him in the relation of a contractor from who
he applicant
..... could have recovered compensation you
e hereby
informed that you may appear before me on. . . . . and cont
the claim for compensation made by the said applicant or the
for indemnity made by the opposite party .....
In default of your appearance you will be deemed to admit th
bility of any award made against the opposite party.....
and your liability to indemnify the opposite party .....
for any compensation recovered from him.

Dated.....

COMMISSIONER.

FORM N. (see rule 46)

Whereas an agreement to pay compensation is said to have been reached between..... and whereas..... and..... have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on..... 19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Dated.....19

.....
Commissioner.

FORM O.
(See Rules 46 and 47)

Take notice that registration of the agreement to pay compensation said to have been reached between you..... and on the..... 19 has been refused for the following reasons, namely:-

.....
.....
.....

Dated.....19 .

.....
Commissioner.

FORM P.
(See Rule 47)

Whereas an agreement to pay compensation is said to have been reached between..... and..... and whereas..... has/have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

.....
.....

and opportunity will be afforded to you of showing cause on..... 19 why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

.....
Commissioner.

Dated..... 19 .

MESSRS. JOHN TAYLOR & SONS' COMMITTEE,

TELEGRAPHIC ADDRESS:-
OMMITTEE OORGAUM

OORGAUM,
SOUTH INDIA.

18th November 1937.

M. Venkatanaranappa, Esq., B.A.,

Secretary to Government,

Development Department,

Bangalore.

REV. DEPT. 19 NOV. 1937 DEVELOPMENT BRANCH

Sir,

Amendments to the Mysore Workmen's Compensation Rules, 1929

With reference to the draft amendments to the Workmen's Compensation Rules, 1929, which the Government propose to make on or after the 1st December 1937, I am directed by the Mining Companies to bring to your notice the following observations:-

FORM A (page 5 of the draft amendments published in the Gazette on 16th September 1937)

In the first part of this Form against items

"Father's name,

(Husband's name in case of married woman or widow),

Caste,

Local Address,

Permanent Address"

I would point out that in many cases it is impossible to obtain these particulars. It is therefore suggested that the Form (as drafted) be amended with a note in the margin against the particulars quoted above, as follows:- "To be filled in if available".

With regard to the second paragraph of the Form 'A' reading

> "The said workman had, prior to the date of his death received the following payments," &c.

there seems to be some doubt as to what this really means and it is presumed that it refers to payments made to the workman towards compensation for disablement, prior to his death. If this is so, it is suggested that the wording of the paragraph be altered as follows:-

> "The said workman had, prior to the date of his death received the following payments as compensation for disablement, namely:-"

I have the honour to be,

Sir,

Your most obedient servant,

W K Brooke

Secretary.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 3890

Bangalore, Dated, 22nd November 1937

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Secretary,
John Taylor & Sons' Committee,
Oorgaum (South India).

Sir,

I am directed to acknowledge receipt of your letter dated 18th November 1937 communicating the observations of the Mining Company on the draft amendments to the Mysore Workmen's Compensation Rules 1929 and to state that the suggestions will be duly considered by Government.

I have the honour to be,
Sir,
Your most obedient servant,

IC Srinivasa Rao

for Secretary to Government,
Development Department.

Appendix F G—1]

SUBJECT .....

.....

.....

Section 9c

File No. 113-3;

Serial No. —

No. D 3870

Diary No. of letter replied to.....

To

The Secretary

John Taylor & Sons' Concessions

Oorgaum. S. I.

Sir

I am directed to acknowledge receipt of your letter dated 18. Communicating the observations of the Kolar Gold Fields Labour Workmen's Compensation Rules 1929 and to state that your suggestions will be duly considered by Govt when the Draft amendments are finally passed.

I have etc

General and Revenue Secretariat

( )

the 193 .

Date of issue..... 22-11-37

Signed by ..... Mr K. Srinivasan

Mining Engr on the Draft amendments

List of enclosures.....

Copied by .....

Examined by.....

K.S.
1 Ded. Secy
K.S. 22/11

MESSRS. JOHN TAYLOR & SONS' COMMITTEE.

OORGAUM,
SOUTH INDIA.

TELEGRAPHIC ADDRESS:-
"COMMITTEE OORGAUM."

23rd November 1937.

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department,
BANGALORE.

Sir,

Amendments to the
MYSORE WORKMEN'S COMPENSATION RULES, 1929.

I have the honour to acknowledge receipt of your letter No.D.3890/I & C 113-35 dated the 22nd November 1937 and am pleased to learn that the suggestions made by the Mining Companies in respect to the above will be duly considered by Government.

I have the honour to be,
Sir,
Your most obedient servant,

W. L. Brooke
Secretary.

RS

Tele {Phone No.—211
Grams—INDUSCOM.

In reply please quote number, date & short title

4779 176

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

From (Name) M. S. RAMCHENDRA RAO, ESQ., B.A.,
(Designation) Commissioner for Workmen's Compensation,
Station Bangalore City.

To

M. VENKATANARANAPPA, ESQ., B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

No F1.290/35-36 Dated 26th February 193

Enclosures.....
.....

SIR,

Subject:- Rules under the Workmen's Compensation Act No.XIV of 1928 as amended by Act No.IV of 1936.

*****

I have the honour to invite a kind reference to Government Notification No.D.2260/I&C.113-35-22, dated, Bangalore, 2nd/13th September 1937 publishing amendments to the Workmen's Compensation Act in the Mysore Gazette dated the 16th September 1937 for the information of the public and inviting objections or suggestions from them before the 1st December 1937.

I request you to kindly obtain early orders of Government to bring the rules framed into force.

I have the honour to be,

Sir,

Your most obedient servant,

M S Ramchendra

COMMISSIONER FOR WORKMEN'S COMPENSATION

The file is sent to the Secretary for orders for issue of final notification.

BV2)

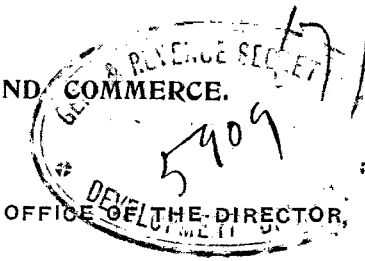
24.9.37

Subs for kind information.

Tels.—"INDUSCOM."

DEPARTMENT OF INDUSTRIES AND COMMERCE.

Mr. M.S.Ramchendra Rao, B.A.,
Commissioner of Workmen's
~~Mxxxxx~~ Compensation.



D.O. No. I-290/35-36

Bangalore, dated the 19th April *193* 8

Dear Mr. Venkatanaranappa,

Subject:- Rules under the Workmen's Compensation Act No.XIV of 1928 as amended by Act No.IV of 1936.

I invite a kind reference to my letter of even number dated 26th February 1938 on the above subject and request you to kindly cause early action being taken to bring the rules framed into force at an early date.

Yours sincerely,

M.Ramchendra

M.Venkatanaranappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

ATP)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE. 177

No. .....

General and Revenue Secretariat,

Dated Bangalore, 25 ~~21st~~ July 193

D 666/Sec 113-35-32

cwc-1

NOTIFICATION.

In exercise of the powers conferred by section 31 (1) of the Workmen's Compensation Act XIV of 1923 as amended by Act III of 1936, the Government of His Highness the Maharaja of Mysore are pleased to issue the following amendments to the Workmen's Compensation Rules 1935, the draft amendments in that behalf having been published with notification No. D.2260/Sec 113-35-32 dated 6/13th September 1937 published on pages 237-244 of part IV of the Mysore Gazette dated 16th September 1937.

By order,

K Srinivasa

for Secretary to Government,
Industry Development Department.

To

The Compiler, Mysore Gazette,
for publication in part IV of the Gazette
and for supply of 500 copies of the Notification to this office.

172

Appendix F G—1]

SUBJECT .....

.....

.....

Section 9 & C
File No. 113-35
Serial No. 32

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 25-7-38

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

Notification No. D 666 encl-1

~~To~~

In exercise of the powers conferred by Section 31 (1) of the Workmen's Compensation Act XXII of 1923 as amended by Act III of 1936, the Govt of H.H. the Maharaja of Mysore are pleased to issue the following amendments to the Workmen's Compensation Rules 1929, the draft amendments in that behalf having been published with Notification no D. 2260/91 C 113-35-22 dated 2/13th September 1937 published on pages 237-244 of part IV of the Mysore Gazette dated 16th September 1937.

By order

WD 0521—GPB—30,000—12-3-37

To the Compln. Mg.
for publication in part IV x.
300 Copies

Copy of the above is forwarded

to the Director of Insurance Commissioner

for workmens Compensation [redacted]

B O

Dewsbery

D 667 -

and 1

NOTIFICATION.

No. D. 2260—*I. & C.* 113\35-22, *dated Bangalore,*
2nd—13*th September* 1937.

The following draft amendments to the Workmen's Compensation Rules, 1929, which the Government propose to make in exercise of the powers conferred on them by Section 31 (1) of the Workmen's Compensation Regulation, 1928, as amended by Regulation III of 1936, are hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 1st December 1937. Any objections or suggestions which may be received from any person with respect to the said rules before the date aforesaid will be taken into consideration.

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

Amendments to the Mysore Workmen's Compensation Rules, 1929.

PART I.

Review of half-monthly payments and commutation thereof.

"Omit sub-rule (*d*). Read sub-rule (*e*) as sub-rule (*d*) and insert the following as sub-rule (*e*). Rule 3.

"Either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record."

PART II.

Deposit of compensation and registration of dependants.

Under sub-rule (1), after the words "An employer depositing compensation with the Commissioner under Rule 6.

sub-section (1) of section 8," insert the following words :—

"In respect of a workman whose injury has resulted in death."

Insert the following after the words "Form B" appearing under sub-rule (1).

"In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form "AA" and shall be given a receipt in Form 'B'."

Under sub-rule (2) delete the words, "if in the statement referred to in sub-rule (1) the employer indicates" and substitute the following :—

"If when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1)."

Rule 7. After the words, "in respect of whose death" add the words "Or injury."

Rule 8. For sub-rule (1) substitute the following sub-rule :—

"A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in form 'G'."

For the heading "Procedure where no compensation deposited" appearing against sub-rule (1) of rule 8, substitute the following heading :—

"Application by dependants for deposit of compensation."

In sub-rule (2) before the words, "The Commissioner shall dispose of", insert the words "If compensation has not been deposited."

Rule 10. Substitute the following rule for rule 10 "Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank."

PART III.

For the title "Inquiry by employer" appearing under Part III, substitute the following title :—

"Reports of Accidents."

Rule 12. Insert the following rule as rule 12 before sub-rule (1) of rule 12.

" The report required by section 10 B shall, subject to such rules, if any, as may be made by Government be in the form " EE."

Insert the heading " Report of fatal accidents " against rule 12.

Read rule 12 (1) as rule 12 A (1) and substitute the words " who has received information of an accident " for the words " to whom notice of an accident has been given " appearing under this rule.

Substitute the words " Information received " for the words " Notice given " appearing in the heading against Rule 12A (1).

PART V.

PROCEDURE.

Substitute the following for sub-rule (1) of rule 21. Rule 21.

" On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner."

After sub-rule (2) insert the following sub-rules as sub-rules 3 and 4. Rule 37.

(3) " If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified, by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form " JJ."

(4) " If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice in Form " JJ " or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings ; in

default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just."

Substitute the following sub-rule for sub-rule (3) and re-number it as sub-rule (5):

" In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify."

Insert the following rule as rule 39-A after rule 39.

Rule 39. " Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose

Forms.

Form A. Substitute the following Form for Form A .

After Form " A " insert the following form as Form " AA."

Form "C." In Form ' C ' after the column " Amount deposited " insert the following column :—

" Amount deducted and repaid to the employer under the proviso to section 8 (1)."

Form 'D In Form ' D ' after the words " Non-fatal accidents " add the words " Other than to a woman or person under legal disability."

Form 'E After Form ' E ' insert the following form as form EE.'

Form 'F Omit the word " Not " appearing under item No. 4 (*a*) of form ' F.'

Delete the words "To determine the following questions in dispute, namely" appearing below item No. 7 and substitute the following :— Form 'G.'

"To award to the applicant the said compensation or any other compensation to which he may be entitled."

Delete the clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) appearing below item No. 7.

After Form 'J' insert the following form as Form 'JJ.' Form 'J.'

After Form 'M' insert the following forms namely Form 'N,' Form 'O' Form 'P' Form 'Q' and Form 'R' published on pages 25 to 50 of Part III of the *Mysore Gazette*, dated 7th March 1929. Form 'M.'

FORM A.

[(*See Rule 6 (1)*].

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

Section 8 (1) of the Workmen's Compensation Regulation.)

Compensation amounting to Rs. .....is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on.....

Name.....

Father's name.....

(Husband's name in case of married woman or widow.)

Caste.....

Local address.....

Permanent address.....

To be filled in if available

His/Her monthly wages are estimated at Rs. ..... He/She was over/under the age of 15 years at the time of his/her death.

2. The said workman had, prior to the date of his/her death, received the following payments namely :— as compensation for disablement

Rs. ..... on..... Rs. ..... on.....

Rs. ..... on..... Rs. ..... on.....

Rs. ..... on..... Rs. ..... on.....

amounting in all to Rs. .....

3. An advance of Rs. .....has been made on account of compensation to.....being his/her dependant.

4. *I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated..... .....19 . ...

Employer.

*An employer desiring to be made a party to the proceedings should strike out the words "do not."

FORM AA.

[(*See Rule 6 (1).*

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(*Section 8 (1) of the Workmen's Compensation Regulation*).

Compensation amounting to Rs. .....is hereby presented for deposit in respect of injuries sustained by .....residing at.....on.....19 , resulting in the $\frac{\text{loss of}}{\text{temporary disablement}}$ $\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs. ..... $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs. .....on.....Rs. .....on.....
Rs. .....on.....Rs. .....on.....
Rs. .....on. .....on.....

Dated.....*19* *Employer.*

FORM EE.

[(*See Rule 12*).]

REPORT OF FATAL ACCIDENTS.

To

.....

SIR,

I have the honour to submit the following report of an accident which occurred on.....(date), at.....(here enter details of premises) .....and which resulted in the death of the $\frac{\text{workman}}{\text{workmen}}$ of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the $\frac{\text{workman}}{\text{workmen}}$ were as under :—

(*a*) Time of the accident.
(*b*) Place where the accident occurred.
(*c*) Manner in which deceased $\frac{\text{was}}{\text{were}}$ employed at the time.
(*d*) Cause of the accident.
(*e*) Any other relevant particulars.

I have, etc.,

Signature, and designation of person making the report.

Statement.

Name	Sex	Age	Nature of employment	Full postal address

FORM JJ.

NOTICE.

Whereas a claim for compensation has been made by..... applicant, against.....and the said..... has claimed that.....is liable under Section 12 (2) of the Workmen's Compensation Regulation, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stand to him in the relation of a contractor from whom the applicant .....could have recovered compensation you are hereby informed that you may appear before me on..... and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... and your liability to indemnify the opposite party..... ...for any compensation recovered from him.

Dated.....19 .

.....

Commissioner.

FORM N.

(*See Rule 46.*)

Whereas an agreement to pay compensation is said to have been reached between.....and..... .....and whereas..... $\frac{\text{has}}{\text{have}}$ applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Dated.....19 .

.....

Commissioner.

FORM O.

(*See Rules 46 and 47.*)

Take notice that registration of the agreement to pay compensation said to have been reached between you... ....and on the.....19 . has been refused for the following reasons, namely :—

.....

.....

Dated.....19

.....

Commissioner.

FORM P.

(See Rule 47.)

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas.....
has/have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :-

.....

.....

an opportunity will be afforded to you of showing cause on.....
.....19 why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated.....*19* .....

Commissioner.

FORM Q.

(See Rule 47.)

Whereas an agreement to pay compensation is said to have been reached between.....and.....whereas.....
has/have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

an opportunity will be afforded to the said.....
of showing cause on.....19 .....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated.....*19* . .....

Commissioner.

FORM R.

(See Rule 49.)

REGISTER OF AGREEMENTS FOR THE YEAR 19 .

Serial Number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the register

Dated.....*19* . .....

Commissioner.

Printed by the Superintendent at the Government Press, Bangalore.

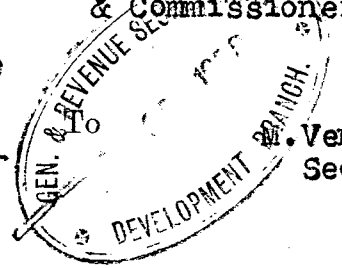
Tele { Phone 211—City.
Grams —Induscom.

In reply please quote
No. date and brief title

DEPARTMENT OF INDUSTRIES AND COMMERCE.

From (Name) M.S.Ramchendra Rao, Esq., B.A.,

Designation Director of Industries & Commerce in Mysore & Commissioner for Workmen's Compensation. Station Bangalore.



To M.Venkatanaranappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department,
Bangalore.

No. F1/120/36-37 Dated 12th October 1938.

Encls.

Spare copies.

SIR,

Subject:- Silicosis Rules under the Workmen's Compensation Act of 1936.

I have the honor to invite a kind reference to my letter of even number dated 27th July 1938 on the above subject and to request you to kindly obtain early orders of Government in the matter and communicate the same to me.

I have the honor to be,
S i r,
Your most obedient servant,

M Ramchendra

DIRECTOR &
COMMISSIONER FOR WORKMEN'S COMPEN-SATION.

ATR)2.

Director of Industries & Commerce in
& Commissioner for Workmen's Compensation.
Bangalore.

Sir,

I have the honor to invite a kind reference to my letter of even number dated 27th July 1938 on the above subject and to request you to kindly obtain early orders of Government in the matter and communicate the same to me.

I have the honor to be,
Sir,
Your most obedient servant,

To,
The DIRECTOR &
EX-OFFICIO COMMISSIONER FOR WORKMEN'S COMPENSATION
Bangalore.

Dec 113-35-33

184

564

Tele { Phone No.—2004.
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

FROM (Name) M.S.Ramchendra Rao, Esq., B.A.,

(Designation) Director of Industries & Commerce in Mysore, & Commissioner for Workmen's Compensation, Bangalore City Station Bangalore.

To M.Venkatanaranappa, Esq., B.A.,
Secretary to the Governmentof Mysore,
Development Department,
Bangalore.

GEN. & REVENUE SECRETARIAT, DEVELOPMENT SECTION

No. F1/120/36-37

Dated 27/28th July 1938.

Enclosures..Two.

SIR,

Subject:- Silicosis rules under the Workmen's Compensation Amendment Act III of 1936.

With reference to your memo No.D.3852 dated 11/12th December 1936 on the above subject, I have the honor to state that a set of draft silicosis rules were prepared and sent to the Chief Inspector of Mines for his scrutiny and remarks. The Mining Board, K.G.F., was also consulted. The Secretary, Mining Board has had the rules examined and has forwarded his suggestions in the matter. Copy of his letter dated 12th July 1938 is herein enclosed for the information of Government.

Since the rules are of a very complicated nature and require very careful examination, I consider it is very necessary that the same should be scrutinised by a special committee before submission to Government for their orders. The Chief Inspector of Mines has also suggested the desirability of the rules being examined by such a committee (vide his letter No.1661 dated 19th January 1937) copy enclosed.).

I therefore request that a committee consisting of (1) Senior Surgeon with the Government, (2) The Director of Public Health, (3) The Chief Inspector of Mines and Explosives and (4) A Representative of the Mining Board together with the Director of Industries and Commerce and Commissioner for Workmen's Compensation, Bangalore city as the Chairman of the Committee, may kindly be appointed to examine the Rules and submit them to Government with the Committee's recommendations.

The favour of early orders in the matter is requested.

I have the honor to be,
S i r,
Your most obedient servant,

M S Ramchendra Rao

DIRECTOR &
COMMISSIONER FOR WORKMEN'S COMPENSATION
BANGALORE CITY.

ATR)2.

Letter dated 12th July 1938 from the Chairman, The Kolar Gold Field Mining Board, Oorgaum to the Director of Industries & Commerce in Mysore, Bangalore.

Subject:- Rules (Silicosis) under the Workmen's Compensation Act.

I have the honor to return to you herewith a copy of the draft Rules on silicosis annotated in red with the alterations which my Board after consultation with Messrs. John Taylor & Sons suggest It will be noted that as a matter of convenience the amendments suggested by the Officiating Chief Inspector of Mines have been absorbed into the original draft whereby one document only has had to be considered.

An endeavour has been made to make the Board's suggestions self explanatory but in so far as they may raise issues for discussion, it is hoped that opportunity may be given to the Board's representatives to attend on you in Bangalore for that purpose.

There are certain preliminary, and in the Board's views overriding questions in regard to which I am directed to offer the Board's remarks.

The rates of compensation are contained in Rule 6 and certain comments thereon are included in the red annotations. There seems to the Board to remain the question of whether it is intra vires to include in the Rules a table of compensation which varies from the Table in the Act. So far as the Board are aware the right to compensation for silicosis was to be conditional upon compliance with "such requirements as may be prescribed in regard to medical examination of workmen and autopsy on the body of deceased workmen'

It is submitted with respect that this does not authorise any variation in the Table of Compensation Rates. It is agreed that a Table on the lines of that proposed in Rule 6 is necessary as the statutory Table would be incapable of or at least very difficult of application in practice and if the Board's view should prove correct, the matter could doubtless be put in order by supplementary legislation.

A kindred point arises in the restriction of Silicosis compensation solely to underground workers. This it is hoped is Government's intention and in the Board's view is desirable otherwise there will be the expense and time involved in dealing with all the surface workers who, it is strongly claimed, are not "engaged in an occupation where the mineral dust is such as to cause Silicosis".

If this restriction is to be made it is submitted that it may not be intra vires to do it through the medium of the Rules and if this is so the Board still trust Government may see their way to provide for the restriction of silicosis compensation solely to underground workers by means of supplementary legislation.

With further reference to this argument that the Rules must be confined to the laying down of the medical procedure, the question arises as to whether certain of the draft definitions and individual rules are necessary having regard to the definitions and general lines of procedure which are part of the Act. The Board in this regard beg to refer to the definitions 2(a), 2(b), 2(d), 2(e), and to Rules 4,6,8,9,and 17.

"Copy"

FOR DIRECTOR OF I&C.
27-7-1938.

ATR)

Letter No.1661/5 dated 19th January 1937 from the Chief Inspector of Mines and Explosives in Mysore, Oorgaum to the Commissioner for Workmen's Compensation, Bangalore.

Rules under the Workmen's Compensation Regulation III of 1936.

With reference to your letter No.F1/120/36-37 dated 16th/18th January 1937 requesting to be supplied with any Rules or Regulations framed in Foreign countries in connection with Miners' Phthisis, I have the honor to forward, herewith, printed copies of Act No.35 of 1925 - An act passed to consolidate and amend the Laws relating to Miners Phthisis - and the Regulations promulgated under the same Act in the Department of Mines and Industries, Union of South Africa It will be noted that it is a very comprehensive Act and elaborate rules have been prescribed under it. We have neither a medical Bureau nor arrangement for a compulsory medical examination of the workmen. The mines here have not been classified as scheduled or non-scheduled mines nor any contributions being levied from them.

In these circumstances, it will be better if we frame special rules suiting local conditions in the first instance and then refer them to the Mining Board for further suggestions instead of seeking their help now.

I would suggest the desirability of appointing a small committee consisting of one Government Medical Officer, one Workmen's Commissioner, one Inspector of Mines and one representative of the Mines preferably a Medical Officer with you as Chairman to frame these rules.

A perusal of the Report of the Miners' Phthisis Commission of enquiry 1929-30 and the Report of the Miners' Phthisis Medical Bureau for the year 1929 both sent herewith for reference will give you an idea of the magnitude of the work that is being done in this connection in South Africa. My own report on the occupational diseases incidental to Gold Mining on Kolar God Field is also enclosed and reference is invited to pages 23 to 28 inclusive.

It is requested that the above reports and the Acts and Regulations sent herewith from this office Library may kindly

p.t.o.

kindly be returned when done with.

Enclosures may kindly be acknowledged

"Copy"

FOR DIRECTOR OF I&C.
&
COMMISSIONER FOR WORKMEN'S COMPENSATION
BANGALORE CITY.

ATR)27-7-193

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 3962/8 Rc 113-35 5- *Dated, Bangalore,* ~~3rd~~ November 1938.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To

The Director of Industries and Commerce
in Mysore, Bangalore.

Sir,

With reference to your letter No.Fl./120/36-37 dated 28th July 1938 regarding appointment of a committee for examining the draft silicosis rules, I am directed to request you kindly to address a letter to the Mining Board informing them of the proposal to constitute a committee for the purpose and inviting them to nominate a representative to be appointed as a member of the Committee.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Development Department.

jgn/2.

Appendix F G—1]

SUBJECT .....

.....

.....

Section 9+C

File No. 113-35

Serial No. -

Diary No. of letter replied to .....

No. D 3962

To The Director of Mines

Sir.

General and Revenue Secretariat

( )

the *193*

With reference to your letter No. 71/120/36-37 dated 28th June 1938 re appointment of a Committee to examine the Defective Vision rules, I am directed to request you kindly to advise ~~the Mining Board to nominate~~ to forward a ~~their representative on the~~ Committee ~~and to submit~~ ~~to Government~~ to Govt. further action on your proposal will be taken after receipt of this information.

I have etc

Date of issue 5th·11·38

Signed by .....

a letter to the Mining Bd. informing them of the proposal to constitute a Committee for the purpose & inviting them to nominate a representative to be appointed as a member of the Committee

List of enclosures.....

Copied by .....

Examined by.....

W.J.Appaji Gowda,B.A.(Hons.),
XXXXXXXXXXXXXXXXXX

190

D.5055(3962)
Re-133-38-34

5th Decr. 8

Dear Mr.Ramachendra Rao,

I write to invite your reference to this office letter No.D.3962 dated 5th November 1938 and to enquire whether the Mining Board have intimated their nominee on the Committee proposed to be appointed for examining the draft silicosis rules. It is however informally ascertained that Mr. O'Donell will be nominated as a member of the Committee by the Mining Board As he is not likely to be in the station from 26th December to 11th January 1939, the first meeting of the Committee, if it is appointed in the meanwhile, may be kindly fixed so as not to fall within the above dates. If a reply has been received from the Mining Board as regards the nomination, the same may be kindly sent up to Government immediately so that formal orders appointing the Committee may be issued.

Yours sincerely,

M.S.Ramachendra Rao, Esq., B.A.,
Director of Industries & Commerce
in Mysore, Bangalore.

9re 1/3 - 35 - 38

Tele { Phone No. 2004.
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

3057

FROM (Name) M. S. RAMCHENDRA RAO, ESQ., B.A.,

(Designation) Commissioner for Workmen's Compensation,
Station Bangalore City.

To

J. APPAJI GOWDA, ESQ., B.A., (HONS).,
Secretary to the Government of Mysore,
Development Department, Bangalore

GEN. & REVENUE SECRETARIAT. - 7 DEC 19 DEVELOPMENT BRANCH.

No. F1.120/36-37 Dated the 6th December 1938.

Enclosures

SIR,

Subject:- Rules (Silicosis) under the Workmen's Compensation Act.

***

With reference to your letter No.D.3962/I&C.113-35 dated the 5th November 1938 on the above subject, requesting me to address the Mining Board inviting them to nominate a representative on the Committee to be appointed for examining the Draft Silicosis Rules, I have the honour to state that Messrs. John Taylor & Sons' Committee, Oorgaum, have intimated in their letter dated the 30th November 1938 that Dr.J.D.O'Donnell, Chief Medical and Sanitary Officer, Kolar Gold Fields, may be nominated as their representative on the proposed Committee.

They have at the same time requested that Dr. W.B.Roantree may be permitted to succeed to the appointment in the event of Dr. O'Donnell, leaving India before the completion of the Committee's work.

I now request you to kindly obtain orders of Government on my proposals and communicate the same to me.

I have the honour to be,
Sir,
Your most obedient servant,

M Ramchendra

BV2)6-12-1938.

COMMISSIONER, WORKMEN'S COMPENSATION.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:-

Correspondence ending with letter No.F1/120/36-37 dated ~~28th July 1938~~ 6.12.36 from the Director of Industries and Commerce, requesting for reasons explained, that a committee consisting of the marginally noted officers and a Representative of the Mining Board with the Director of Industries and Commerce and Commissioner for Workmen's Compensation as Chairman, may be appointed to examine the draft Silicosis rules before submission to Government for consideration.

The Senior Surgeon.
" Director of Public Health
" Chief Inspector of Mines and Explosives.
" ~~A Representative of the Mining Board.~~

O r d e r No.

Dated, Bangalore,

Sanctioned.

The recommendation of the Committee may be submitted to the Government within a period of three months.

The Director of Industries and Commerce and Commissioner for Workmen's Compensation will ascertain, in consultation with the Secretary, Mining Board, the Representative of the Board nominated to sit on the Committee and report the same to the Government.

12/12

Secretary to Government,
Development Department.

To

The Director of Industries & Commerce and Commissioner for Workmen's Compensation.
" Senior Surgeon in Mysore.
" Director of Public Health in Mysore.
" Chief Inspector of Mines and Explosives In Mysore.
" Comptroller to Government.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Section

File No.

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue .....193 .

Signed by .....

Read—

Correspondence ending with letter No. 71/120/36-37 dated 28th July 1938 from the Director of Mines requesting for reasons explained, that a Committee consisting of the Marginally noted officers and a Repre- ~~Order thereon.—No.~~ tative of the Mining Board with the Director of Mines and Commissioner for Workmen's Compensation as Chairman may be appointed to examine ~~consider~~ the draft bill/rules, before submis-

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

1) The Senior Surgeon
" Director of P. H.
" Chief Inspector of Mines and Explosives
" A Representative of the Mining Board.

194

to Govt for consideration

order of

1) Report of the Committee, [illegible]
2) The proposals of Messrs Thos & Sons may be submitted to the Govt with a view to their grant.
3) The Director of Dev. to commence negotiations for acquisition, in consultation with the Director of Lands, Mining Board, & representative of the Board to be nominated by it on the Committee & report the same to the Govt.

To The Senior Surgeon

Director of Public Health, The Dep. Secy

Chief Inspector of Mines

and Explosives.

Comptroller

[illegible]

copy to the Secy, Mining Bd with a covering letter

The Director of Dev. to examine & report with regard to the proposals of Messrs Thos & Sons.

List of Enclosures

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:-

Correspondence ending with letter No.Fl.Ø120/36-37 dated 6th December 1938 from the Director of Industries and Commerce, requesting for reasons explained, that a committee consisting of

The Senior Surgeon
The Director of Public Health
The Chief Inspector of Mines and Explosives
Mr.J.D.O'Donnell, M.C.E.

) the marginally noted officers and Representative of the Mining Board, with the Director of Industries and Commerce and Commissioner for Workmen's Compensation as Chairman, may be appointed to examine the draft Silicosis rules before submission to Government for consideration

---

ORDER No. D-5395-5402/9re113-35-36

Dated, Bangalore, the 15th December 1938.

Sanctioned.

The recommendation of the Committee will be submitted to the Government within a period of three months.

H Srinivasan
for Secretary to Government,
Development Department.

I.C
15/12

The Director of Industries and Commerce and Commissioner for Workmen's Compensation.
" Senior Surgeon, Bangalore.
" Director of Public Health in Mysore.
" Chief Inspector of Mines and Explosives in Mysore.
" Comptroller to Government.

lm/r.

196

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:-

Correspondence ending with letter No.Fl./120/36-37 dated 6th December 1938 from the Director of Industries and Commerce, requesting for reasons explained, that a committee consisting of

The Senior Surgeon.
The Director of Public Health.
The Chief Inspector of Mines and Explosives.
Dr.J.D.O'Donnell, K.G.F.

the marginally noted officers and Representative of the Mining Board, with the Director of Industries and Commerce and Commissioner for Workmen's Compensation as Chairman, may be appointed to examine the draft Silicosis rules before submission to Government for consideration

---

ORDER No. D 5399-5604/Ec 113-35-36

Dated, Bangalore, the 15th December 1938.

S a n c t i o n e d.

The recommendation of the Committee may be submitted to the Government within a period of three months.

K Srinivasan

for Secretary to Government,
Development Department.

To

The Director of Industries and Commerce and Commissioner for Workmen's Compensation.
" Senior Surgeon in Mysore.
" Director of Public Health in Mysore.
" Chief Inspector of Mines and Explosives in Mysore.
" Comptroller to Government.

jgn/8.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:

Correspondence ending with letter No.Ft.A/20/36-37 dated 6th December 1938 from the Director of Industries and Commerce, requesting for reasons explained, that a committee consisting of

The Senior Surgeon.
The Director of Public Health
The Chief Inspector of Mines
and Explosives.
Dr.J.D.O'Donnell. K.C.I.E.

the marginally noted officers

one Representative of the

Mining Board, with the Director

of Industries and Commerce and Commissioner for Workmen's Compensation as Chairman, may be appointed to examine the draft Silicosis rules before submission to Government for consideration

ORDER No

Dated, Bangalore, the 15th December 1938.

R e a d o t i o n e d.

The recommendation of the Committee may be submitted to the Government within a period of three months.

Secretary to Government,
Development Department.

To

The Director of Industries and Commerce and Commissioner for Workmen's Compensation.
Senior Surgeon in Mysore.
Director of Public Health in Mysore.
Chief Inspector of Mines and Explosives in Mysore.
Comptroller to Government.

GENERAL AND REVENUE SECRETARIAT

D. O. No. D 5576 / Ic 113-35 Dated, Bangalore, 19.12.38

Sir,

I am directed to forward herewith for information a copy of the Government Order No.L. 5399-5404/I.&.C.113-35-36 dated 15th December 1938, appointing Dr.J.D.O.Donnell as a representative of the Mining Board on the Committee appointed to examine the draft Silicosis rules.

Yours sincerely,

(sd) K. Srinivasan

The Secretary,
Mining Board, Kolar Gold Field,
Oorgaum.

198

Appendix F G—1]

SUBJECT.....

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Section DE

File No. 113-35

Serial No.

Diary No. of letter replied to .....

No. D 5576

To The Secretary, Mining Board,
K.G.F.

General and Revenue Secretariat

the *193*

Date of issue.... 14.12.38

Signed by .....

Sir,

I am directed to forward herewith for information a copy of the G.O. No. D.5359-52404/DE 113-35-38 dt 15.12.38. appointing Dr J.P. O'Donnell as a representative of the ~~Board~~ Mining Board on the Committee appointed to examine the draft Selection Rule ~~before submission to Govt. for Consideration~~

I am Sir,
Your obedient servant,
J. O'Donnell
16/12
for Secretary

List of enclosures.....

Copied by.....

Examined by .....

Telegraphic Address:-
"MINBOARD." OORGAUM.

THE KOLAR GOLD FIELD MINING BOARD,
OORGAUM,
MYSORE STATE,
S. INDIA.

199

3690

January. 10. 1939.

Ref. No. 255 (a).

Ire.113-35-37

K. Srinivasan, Esq., B.Sc.,
Assistant Secretary,
General & Revenue Secretariat,
Bangalore.

Sir,

I have the honour to refer to your letter D.O. No.5576/H.C.113-35 dated 19th December 1938 enclosing a copy of Government Order No.D.5399-5404/ I. & C. 113-35-36 dated 15th December notifying the appointment of Dr.J.D.O'Donnell as a representative of the Mining Board on the Committee appointed to examine the draft Silicosis Rules, and under instructions of the Mining Board I beg to request that Government may be pleased to appoint Dr.W.B.Roantree, M.A., M.D., F.R.C.S. or his nominee as an additional member of the Committee referred to.

Your early reply will be much appreciated.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary.

RVR

Telegraphic Address :-
"MINBOARD," OORGAUM.

THE KOLAR GOLD FIELD MINING BOARD,
OORGAUM,
MYSORE STATE,
S. INDIA.

GEN. & REVENUE SECRETARIAT.
6/2
DEVELOPMENT BRANCH.

February. 4. 1939.

K. Srinivasan, Esq., B.Sc.,
Assistant Secretary,
General & Revenue Secretariat,
Bangalore.

Sir,

I have the honour to refer to my letter dated 10th ultimo asking that Government may be pleased to appoint Dr.W.B.Roantree, M.A., M.D., F.R.C.S. or his nominee as an additional member of the Committee appointed to examine the draft Silicosis Rules and to request the favour of a reply at your earliest convenience.

I have the honour to be,
Sir,
Your most obedient servant,

W.B. Roantree
Secretary.

201

Proof of the Documents of Witnesses

Rule 1 or more.

Date

Commission No. D.C.T. 7442/ . 113-35-3

Plaintiff [illegible] Plaintiff's Attorney

1. [illegible] Committee with the
2. [illegible] Defendant's Attorney (Seal) duly noted --
3. [illegible] Counsel for examining
4. [illegible]

Commission No. D. 7442-48/Sec 113-35-38

Dated here, this 14th February 1939.

May it please the Court Mr. J. B. Rountree,

[illegible] on the --

[illegible] above.

[illegible]

I Lawrence

Solicitor for the Plaintiff.
Solicitor for the Defendant.

To

The Registrar of the Supreme and
District Courts of Northern Rhodesia.
Livingstone. Alt-
[illegible]
[illegible]
[illegible]
yvore.

[illegible]

G. R. S. App. F VI—G 2]

Aff no 1

262

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue ..14 . 2 . ..1939 .

Signed by .....

1 Mr Senior Surgeon
2 " Director of P.H.
3 " Chief Inspector of Mines & Factories
4. Dr. O' Donnell K.C.I.

May this be

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section 9 C

File No. 113 - 35

Serial No. 38

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. no. D. 5399 - 5404 9 C 113-35-36 dated 15th December 1938, sanctioning the appointment of a Committee with the marginally noted members, to examine the Mysore Silicosis rules.

Order ~~thereon.~~—No. D. 7442-48 dt 13/14 Feb. 1939.

~~In modification of the G.O. Read above~~, Govt are pleased to appoint Dr. W.B. Rountree M.A, M.D F.R.C.S. ~~or his nominee~~ any gentleman nominated as additional member on the Committee [illegible]

W^m in the 1.0. read –

to / above. : Dft. Dr. Rountree is unable to attend the any meeting he may depute a nominee to attend meeting on his behalf

D.W. Secy

15/1/38

To the Director Ire + Comm^r for W.C.

Sr Surveyor in Mysore

Director of P.H.

Chief Inspector of Mines and Explosives.

Comptroller.

Dr. W.B. Rountree or his nominee.

List of Enclosures

Copied by

Examined by

WD 0279—GPB—22,500—14-4-38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D. 7449 / 9 & C 113-35-39 *Dated, Bangalore,* 13th February 1939.
/14

Enc. 1

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Development Department.

To

The Secretary,
Mining Board,
Kolar Gold Fields.

Sir,

With reference to your letter Ref. No. 255(a) dated 10th January 1939 and the reminder dated 4th February 1939 suggesting the appointment of Dr. W.B. Roantree or his nominee as an additional member on the Committee appointed in Government Order No. D. 5399-5404/I & C. 113-35-36, dated 15th December 1938, I am directed to forward herewith for information a copy of the Government Order No. D. 7442-48/9&C 113-35-38 dated 13/14th February 1939 issued in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Development Department.

TRM.2

Appendix F G—1]

SUBJECT.....

.....

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Section 9 & C

File No. 113 · 35

Serial No. 38

Diary No. of letter replied to .....

No. D. 7449

To The Secretary, Mining Board

Kly.

Sir.

General and Revenue Secretariat

( )

the *193* .

Date of issue 14 : 2 · 39.

Signed by .....

With reference to your letter No. Ref No. 255(a) dated 10th January 1939 suggesting the appointment of Dr W.B. Roantree or his nominee as an additional member on the Committee appointed in F.O. No. D. 5899-3402 No C 113-35-36 dated 15th December 1938. I am directed to forward herewith a copy of the F.O. No. 7449 D&C 113-35-38, issued in the matter.

D. 13/14 · 2 · 1939.

and the reminder dy 14.2.39

List of enclosures.....

Copied by .....

Examined by.....

Thanks

Telegraphic Address :-
"MINBOARD," OORGAUM.

THE KOLAR GOLD FIELD MINING BOARD,
OORGAUM.
MYSORE STATE.
S. INDIA.

16th February 1939.

4657

The Secretary
to the Government of Mysore,
Development Department,
Bangalore.

Sir,

I have the honour to acknowledge with thanks receipt of your letter No.D.7449/I & C 113-35-39 dated 13th/14th instant enclosing a copy of the Government Order No.D.7442-48/I & C 113-35-38 dated 13th/14th February appointing Dr. W. B. Roantree as an additional member of the Rules (Silicosis) Committee.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary.

CJB.

I & C. 113-35-4b

5212

Tele { Phone No. 2004
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

1413

From (Name) M. S. RAMCHENDRA RAO, ESQ., B.A.,

(Designation) Commissioner for Workmen's Compensation,
Station Bangalore City.

To

M. VENKATANARANAPPA, ESQ., B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

GEN. & REVENUE SECRETARIAT. 15 MAR 1939 DEVELOPMENT BRANCH.

No. F1.120/36-37.

Dated the 13th March 1939.

Enclosures 3 .

Sir,

Subject:- Rules (Silicosis) under the Workmen's Compensation Act.

* * *

With reference to the correspondence ending with Government Order No.D.5399-5404/I&C.113-35-36 dated the 15th December 1938 on the above subject appointing a Committee consisting of the *marginally noted members to examine the draft Silicosis Rules, I have the honour to submit herewith for the orders of Government the Report of the Committee together with a draft set of Rules as approved along with draft amendments to the Workmen's Compensation Act as suggested by the Committee.

I have the honour to be,

Sir,

Your most obedient servant,

M S Ramchendra Rao

COMMISSIONER.

BV2)13-3-1939.

*
1.The Senior Surgeon.
2.The Director of Public Health.
3.The Chief Inspector of Mines and Explosives.
4.Dr.J.D.O'Donnell.
5.Dr.W.B.Roantree,M.A.,M.D., F.R.C.S.,(In G.O.No.7442-48/I&C.113-35-38 dated 13/14th February 1939)

Report of the Committee constituted by Government for the examination of the Rules regarding compensation in the case of Silicosis.

* * *

We have examined the draft rules as framed by the Director of Industries and Commerce and Chief Commissioner for Workmen's Compensation as also the observations thereon by the Chief Inspector of Mines in Mysore and the Kolar Gold Fields Mining Board.

In the absence of laws and rules in any part of India so far regulating the grant of compensation in the case of silicosis, the rules in force in South Africa have been adopted, mutatis mutandis, as the basis for framing these draft rules.

We are of the opinion that the rules as now framed are generally suitable.

We consider that the rules should be made applicable to all industries which produce mineral dust which cause Silicosis and we have accordingly framed a tentative list of such industries which may form a schedule to the rules. Government may reserve power to add to or vary the list from time to time.

We consider that initial medical examination should not be made compulsory in case of workers who are already in service but should be optional. As regards new workmen, however, such examination should be made compulsory.

We consider that it is necessary that in the case of Silicosis there should be a separate scale of compensation and we suggest that the following scale may be adopted:-

(1)Ante-primary stage : 20% loss in earning capacity.

(2)Primary stage : 30% loss in earning capacity.

(3)Secondary stage :100% " " " "

We have considered whether it would be possible to provide for such compensation within the framework of the present Act. We are of the opinion that it will not be intra vires of the Act to provide for such compensation in the Rules but that an amendment of the Act will be necessary. We accordingly recommend that Section 2 and Schedule 1 of the Act be suitably amended so as to provide for compensation as suggested above. In this view, we have appended to this report draft amendments to the Act, which we suggest, may be adopted.

In view of the special character of the disease and the large number of workers involved, we consider that a separate set of penal provisions should be incorporated in the Act on the following lines:-

(1)Employers who fail to observe the provisions of Rule 9 of the Rules shall be punished with fine which may amount to Rs 100/-.

(2)Any person who forges or alters any certificate issued under the Rules or obtains any such certificate by fraud or by any wilful mis-statement of facts or represents that any such certificate issued in respect of another person was issued in respect of himself, shall be fined with Rs 100/-.

As such penal provisions can only be made in the Act and not in the Rules, we suggest that the Act be amended on the lines indicated by us in the attached draft.

We recommend that all the medical officers attached to the Mining Board be included in the list of Medical Practioners to be published by Government for purposes of

of medical examination and issue of certificates under Rule (6) of the Rules.

We recommend that on the Medical Bureau to be constituted under Rule 8(a) there should be one Medical Officer representing the Kolar Gold Fields Mining Board.

In view of the very important nature of the work entrusted to the Medical Bureau, we strongly recommend th a sufficient number of Medical Officers of Government may be deputed to South Africa to study the working of the Medical Board and Silicosis Regulation in force there.

As delay in bringing these rules into force is likel to result in accumulation of heavy liability on the Minin Board in the matter of grant of compensation under the Rules, we desire to emphasise on the need for expeditious action in amending the Act and promulgating the Rules. We are of the opinion that it should be possible to get such work through at a single session of the Legislative Council, preferably the next Budget Session in June 1939 In that case it will enable the Mining Board to take all preparatory measures to give effect to the Rules immediately they are brought into effect.

CHAIRMAN. 11.3.39

MEMBERS.

1. John D'Donnell
2. M Beaumont
3. B Mackenzie 11/3
4. K Ramaiswami
5. O. Gabbisawaldy

BV3)11-3-39.

or medical examination and issue of certificates under Rule (8) of the Rules.

We recommend that on the Medical Bureau to be constituted under Rule 8 there should be one Medical Officer representing the Volar and Fields Mining Board.

In view of the very important nature of the work entrusted to the Medical Bureau, we strongly recommend a sufficient number of Medical Officers of Government may be deputed to South Africa to study the working of the Medical Board now functioning there in force there.

We deem it necessary in bringing these rules into force in order to result in accumulation of heavy liability on the Mining Board in the matter of grant of compensation under the Rules, we desire to emphasise on the need for expeditious action in amending the Act and promulgating the Rules. We are of the opinion that it should be possible to get such work through at a single session of the Legislative Council, preferably the next Budget session in January. In that case it will enable the Mining Board to take all preparatory measures to give effect to the Rules immediately they are brought into effect.

Yours Sincerely,

DRAFT AMENDMENTS TO THE MYSORE WORKMEN'S COMPENSATION ACT XIV OF 1928 AS AMENDED BY ACT III OF 1936.

In Section 2 of the Workmen's Compensation Act, after clause (j) add the following as (J.1.):

1) Silicosis in the secondary stage shall be considered to be equivalent to permanent total disablement.

2. After clause (d) of Section 17 A of the Act, add the following clauses as (e) & (f) [illegible]:

(e) Employers who fail to observe the provisions of Rule 9 of the Mysore Silicosis Rules shall be punished with fine which may extend to Rs. One hundred.

(f) Whoever forges or alters any Certificate issued under the Mysore Silicosis Rules or obtains any such certificate by fraud or by any wilful mis-statement of facts or represents that any such certificate issued in respect of another person was issued in respect of himself, shall be fined with Rs.100/-

3 Add the following to Schedule 1 of the Act:

Injury.	Percentage of loss of earning capacity
Silicosis in the ante-primary stage	20%
Silicosis in the primary stage.	30%
Silicosis in the secondary stage.	100%

Mysore 11.3.39

RJV)

The Kolar Gold Field Mining Board,
Oorgaum, Mysore State
S.India.

24th March 1939.

M. S. Ramchendra Rao, Esq., B.A.,
Director of Industries and Commerce in Mysore,
Bangalore.

Sir,

Subject:- Rules(Silicosis) under the Workmen's Compensation Act.

I have the honour to inform you that a copy of your letter dated 13th instant addressed to Dr. J. D. O'Donnell enclosing copy of proposed Rules, Forms, Act Amendments and Report as approved at the Government Committee Meeting held on 11th March, has been forwarded to my Board for information and to state that the subject was considered at a Meeting held on the 15th instant, as a result of which I am desired to submit the following points to your notice for favour of necessary action.

I beg to refer first to:-

(1) The re-insertion of the old Rule 2(i) as Rule 2(f),

(2) The omission to specify in Schedule (A) of the Rules the processes of Mining in which workmen must be employed to be eligible for benefits provided under the Act, and

(3) The deletion of Rule 5, previously Rule 6(iii).

It is understood that in reply to a question by Dr. O'Donnell as to whether the definition of "workman" in Schedule II (v) of the Act would not have to be amended in view of the retention of the definition "underground" in Rule 2(f) it was stated that the definition of "workman" in Schedule II (v) of the Act would not apply to the Rules when the definition of "underground" (Rule 2-f) was retained as the latter would be specific for application within the rules. It is with the utmost respect that my Board begs

begs to express some doubt as to the correctness of this interpretation and it is desired to point out that the definition "underground" does not now appear to serve the purpose for which it was intended in view of the deletion of the original Rule 6(iii), or No.5 in the Rules as first revised by the Government Committee and the omission to specify in Schedule (A) of the Rules the processes of Mining in which workmen must be employed to be eligible for benefits provided under the Act, as such Rule 2(f) is explanatory only and is now the only place in which specific reference is made to "underground" work.

It is submitted that the Rules as they now stand would appear to be applicalble to all workmen in whatsoever capacity they are employed by the Mining Companies and do not apply as was the understood intention only to workmen employed in the processes of mining in which harmful dust is encountered and in which they are exposed to the risk of silicosis.

If this opinion is accepted I am desired to point out that it may implicate the Mining Companies' Medical staff in a great number of additional and what are considered to be unnecessary medical examinations entail ing loss of valuable time and increased expenditure on X-Ray materials.

In these circumstances it has been agreed to bring the point in question to your notice and to submit that in the Board's view it is necessary, if the intended restriction is to be imposed, either to incorporate in Schedule (A) under "Mining - Gold" the processes of mining as now defined in Rule 2(f) or to substitute for the definition "underground" a new Rule 2(f) on the following lines:--

> "Mining" as specified in Schedule (A(of these Rules shall be construed as a reference to underground work or employment beneath the surface; to work or employment upon or about rock crushers in a ran

rock crushers in a rock crushing station and to work or employment in a sample-crushing room or assay office of any tailings dump.

I beg to state also that my Board continues to be of the opinion that the retention of the safe-guarding provisions of Rule 5, old Rule 6(iii), is desirable.

The reasons influencing the Board's opinion in this connection are as follows:--

It is necessary for an employer to have the safeguard of a record of the state of a workman's lungs at the time he leaves his employment. Without this a workman might cease work with the Mining Companies within 6 months of his initial examination and at the time of leaving be in perfect health, and during the next four years or so engage in some exceptionally siliceous industry with the resultant appearance of early silicotic symptoms; or he might develop tuberculosis. If such a man brought a claim against the Mining Companies the latter would for the purpose of admitting or refuting the claim require a record of the man's health when he left their service. This right was recognised when the original Rule 6(iii) was drawn up. I beg to point out that at the present time all Officers and Covenanted employees of the Mining Companies must submit to such a final examination on general grounds.

It is considered likely that workmen may leave the Mining Companies' service and engage in outside small concerns (granite quarrying etc.) in which silicosis might be contracted. In such concerns it is credible to assume that workmen would be accepted without initial examination and discharged similarly without examination. A workman in such a concern if he contracted silicosis whilst so employed might conceivably bring a claim for compensation against the

the Mining Companies and the latter would be unable to contest it without the evidence of a record of a previous final medical examination.

At the time of ceasing to be employed by the Mining Companies both the workman and the employer should be in a position to know the damage, if any, done to a workman's lungs.

In the case of a workman leaving the Mining Companies' employment without their knowledge with anteprimary silicosis only, and developing pulmonary tuberculosis from contact with a case of open pulmonary tuberculosis, for example in a member of his family, the Companies could only prove that the tuberculosis was a later development from the evidence of a final medical examination.

It is further considered that the time limit safeguard provided by Section 10 (1) of the Act whilst adequate in the case of injury on account of accident cannot be so considered when applied to the contracting of the disease of Silicosis owing to the time factor, as by the powers conferred upon him under Section 10 (1) (b) a Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given or the claim has not been instituted in due time as provided for in Section 10 (1) if he is satisfied that the failure so to give notice or institute a claim was due to sufficient cause.

In these circumstances my Board desires to submit that Rule 5 in an appropriate form should be re-inserted, and the following re-drafted Rule is accordingly submitted for the favourable consideration of Government:-

"Every workman shall within 6 months of ceasing to work in any of the processes of Mining prescribed in $\frac{\text{Rule 2(f)}}{\text{Schedule (A)}}$ present himself for a stethoscopical and radiological examination by a medical examiner. Failure on the part of the workman to present himself for such examination within the period specified shall render him ineligible for compensation thereafter and shall release the employer from all obligations under these Rules."

employer from all obligations under these Rules."

Rule 3(1) provides that every workman shall within 6 months of ceasing to work in any of the processes of Prilling present himself for a stethoscopical and radiological examination by a medical examiner. Failure on the part of the workman to present himself for such examination within the period specified shall render his liability for compensation thereafter and shall release the employer from all obligations under these Rules."

It is further considered that the time limit safeguarded provided by Section 10 (1) of the Act whilst adequate in the case of injury on account of accident cannot be so considered when applied to the contracting of the disease of Silicosis owing to the time factor, as by the powers conferred upon him under Section 10 (1) (b) a Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given or the claim has not been instituted in due time as provided for in Section 10 (1) if he is satisfied that the failure so to give notice or institute a claim was due to sufficient cause.

In these circumstances my Board desires to submit that Rule 3 in an appropriate form should be re-inserted, and the following re-drafted Rule is accordingly submitted for the favourable consideration of Government:-

"Every workman shall within 6 months of ceasing to work in any of the processes of Prilling prescribed in Rule 3(1) hereunto (A) present himself for a stethoscopical and radiological examination by a medical examiner. Failure on the part of the workman to present himself for such examination within the period specified shall render his liability for compensation thereafter and shall release the employer from all obligations under these Rules."

In the case of a workman leaving the Mining Employment without their knowledge with satisfactory evidence only, and developing pulmonary tuberculosis from contact with a case of open pulmonary tuberculosis, for example in a member of his family, the Companies could only prove that the tuberculosis was a later development from the evidence of a final medical examination.

At the time of ceasing to be employed by the Mining Companies both the workmen and the employer should be in a position to know the damage, if any, done to a workman's lungs.

A further point which my Board desires to bring to your notice has reference to the proposed amendments to the Workmen's Compensation Act. Considerable importance is attached to this amending Act having regard to the recent High Court decision in the Jambakulam Perumal case from which it is evident that the Rules cannot be used to limit or interfere with the basic rights which are given under the Act. So far, therefore, as any of the proposals now under discussion may be considered to impinge in any way on the legally provided rights of the parties they will need to be covered by suitable Clauses in the Act amendments. In this connection one point would appear to be of particular importance. It is understood that during the Government Rules (Silicosis) Committee's deliberations it was agreed that once a workman is compensated for any stage of Silicosis, an employer has no further liability should, for example, silicosis with tuberculosis, or death, ensue later. Whilst this may be implied in the Act, under the circumstances my Board considers that the point should be made clear and embodied in a suitable way in the amended Act, otherwise the legal position may be obscure until it has been tested in the Courts with the possibilitiy that the legal interpretation will not be in accordance with the Government Committee's intention.

It will be greatly appreciated by my Board if the matters referred to above may receive your early and favourable consideration.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/-

SECRETARY.

'True copy'

L. Muniswamy 14/11
Commissioner for Workmen's Compensation

A further point which my Board desires to bring to your notice has reference to the proposed amendments to the Workmen's Compensation Act. Considerable importance is attached to this amending Act having regard to the recent High Court decision in the Tambakulam personal case from which it is evident that the Rules cannot be used to limit or interfere with the basic rights which are given under the Act. So far, therefore, as any of the proposals now under discussion may be considered to impinge in any way on the legally provided rights of the parties they will need to be covered by suitable Clauses in the Act amendments. In this connection one point would appear to be of particular importance. It is understood that during the Government Rules (Silicosis) Committee's deliberations it was agreed that once a workman is compensated for any stage of Silicosis, an employer has no further liability should, for example, silicosis with tuberculosis, or death, ensue later. Whilst this may be implied in the Act, under the circumstances my Board considers that the point should be made clear and embodied in a suitable way in the amended Act, otherwise the legal position may be obscure until it has been tested in the Courts with the possibility that the legal interpretation will not be in accordance with the Government Committee's intention.

It will be greatly appreciated by my Board if the matters referred to above may receive your early and favourable consideration.

I have the honour to be,
Sir,
Your most obedient servant,

sd/-

SECRETARY.

D.O.Letter No.2186 dated 5th April 1939 from the Chief Inspector of Mines and Explosives in Mysore, to the Director of Industries and Commerce in Mysore, Bangalore.

...

I am in receipt of your d.o. letter No.F1.120/36-37 dated 31st March 1939 together with the two enclosures.

I agree with your view that it is not necessary to amend the definition of "Workman" as laid down in Schedule II (v) of the Workmen's Compensation Act as that definition is comprehensive. But as the Mining Board contend that these Rules are meant to apply to workmen employed in the process of mining in which harmful dust is encountered, it would seem reasonable to amplify " Mining - Gold" under Schedule "A" as "Mining - underground workmen in Gold Mines" so that the application of the rules may be restricted to certain kinds of workmen coming under the definition of "underground" - vide Rule 2 (f).

It appears to me that the suggestion of the Mining Board that the failure on the part of a workman to submit himself - voluntarily to a medical examination within six months of ceasing work for short or long periods, should involve forfeiture of his claim to compensation admissible under the Rules, would work as a great hardship as it would throw the onus on the workman who is generally ignorant and incapable of appreciating the necessity for such medical examination at the time of leaving work. As the rights of the employer are adequately safeguarded in regard to the payment of the compensation by requiring the workman to prefer his claim within six months of the date of the accident, there does not appear to be any necessity for making a separate provision in the Rules for this purpose.

As regards the request of the Mining Board that all the provisions now made under the Rules be incorporated in the Act itself by amending it on the plea of definitely fixing the legal liability, I agree with you that it is unnecessary to do so.

Except for the amplification of the definition of "Mining" in Schedule "A" to give a clear expression to the type of gold mining labour that should come under the Rules, I am in full agreement with the views contained in your letter to Government.

The enclosures received with your letter are returned herewith.

" c o p y "

M Shamanna

Director of
Industries and Commerce.

SRS)11th April 1939.

Enclosure to Govt. letter dated 11/4/39
67-1-120

THE MYSORE SILICOSIS RULES.

1. (a) These rules shall be called the Mysore Silicosis Rules.

(b) They shall apply to all industries specified in Schedule "A" of these rules. The Government may from time to time add to or vary the list.

(c) They shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. In these rules unless there is anything repugnant in the subject or context:--

(a) "The Act" means the Mysore Workmen's Compensation Act No. XIV of 1928 as amended by Act III of 1936.

(b) "Commissioner" means the Commissioner for Workmen's Compensation appointed under the Act.

(c) ' Initial examination' means examination prescribed under Rule 10 (a) of these Rules.

(d) ' Periodical examination' means examination prescribed under Rule 10 (d) of these Rules.

(e) 'Examiner' means a medical practitioner whose name appears in the list published by Government in the Official Gazette as prescribed in Rule (7) of these Rules.

3. For the purpose of these Rules, Silicosis shall mean Silicosis of the Lungs.

4. A person shall, for the purposes of these Rules be deemed to have or to have had silicosis,

(a) In the ante-primary stage, when it is found on medical and radiological examination that the earliest detectabl specific physical signs of silicosis are or have been present, whether or not capacity for work is or has been impaired by such silicosis.

(b) In the Primary stage, when it is found on medical

on medical and radiological examination that definite specific physical signs of silicosis are or have been pr and that capacity for work is or has been impaired by tha disease though not seriously and permanently.

(c) In the Secondary stage, when it is found on medical and radiological examination that definite and specific physic signs of silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease.

Note: Silicosis with active Tuberculosis is equivalent to the Secondary stage.

5. Whenever any workman ceases to work in any of the industries specified in Schedule "A", or is discharged or terminates his employment or is permitted to be absent from his employment for a period exceeding 28 days, the employer shall arrange for him to be stethoscopically and radiologically examined and he shall not thereafter be entitled for compensation unless he is found to be suffering from silicosis in its ante-primary or other later stage.

6. (a) Every workman who desires the grant of compensation under these Rules shall apply to the Commissioner in whose jurisdiction he resides in form "A" in duplicate.

(b) Application for compensation by dependants shall be made in form "B" and shall be transmitted in duplicate to the Commissioner.

7. Medical Examination: The Government shall under these Rules publish, from time to time, in the Official Gazette the names of Medical Practitioners who are empowered to carry out examinations and issue certificates.

8. Government may also appoint medical officers in service as Ex-Officio Examiners for the purposes of examinations and issue of certificates.

9 (a) Government shall establish a Medical Bureau consisting of three or more Medical Practioners or Officers with special knowledge of the diseases of the lungs and respiratory organs, and the Commissioner may in cases of doubt or shall, in cases where the employer or the workman is dissatisfied with the certificate granted under these Rules refer the case to the Bureau.

(b) In all such cases the applicant shall be X-rayed and clinically examined. The findings of the Bureau shall be final.

10. (a) Any workman desiring to work in any of the industries specified in Schedule "A", after these Rules have come into force, shall submit himself to a medical examination by an examiner before whom he shall be caused to appear by the employer.

(b) The examiner shall make such examination (including stethoscope examination) of the workman as will enable him to fill in correctly the initial certificate in form "C" that he is free from any disease of the lungs and respiratory organs and is in other respects physically fit for the work for which a certificate is sought.

(c) Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.

(d) After the initial examination, every workman shall be brought before an examiner by the employer for medical examination at intervals of not more than five

than five years over a period not exceeding ten years. and thereafter at two yearly intervals.

10. (e) After every examination subsequent to the initial examination, a certificate in form "D" stating that the workma is not suffering from silicosis or a certificate in form " D(a stating that the workman is suffering from silicosis and in what stage, shall be issued and it shall be the duty of the employer to inform the workman of the contents thereof.

11. (a) Every workman who is already in service, at the time of these Rules coming into force, if he desires to become eligible for the benefits under these Rules. shall be duly examined by an examiner before whom he will be caused to appear by the employer and if found suffering from silicosi as defined in Rule (4), he shall be entitled to compensation as provided for in the Act.

(b) If it is found not possible for such workman to be present for initial examination and if he is not examined on the day he presents himself, his name shall be entered in a register maintained for such a purpose and he shall be deemed to have complied with the Rules provided that he reports himself for examination without delay, on being notified subsequently by the employer of a date and hour on which the examination will be carried out. Failure on the part of the workman thus notified to present himself for examination without sufficient cause, shall render him ineligible for compensation and shall release the employer from all obligation under these Rules. should the workman at any other date present himself for examination and be found to be suffering from silicosis.

12. (a) Whenever the Commissioner considers it necessary to be satisfied by post mortem examination whether a deceased workman had silicosis and having obtained the previous consent of the legal representative of the deceased, to the

to the performance of such post mortem examination, he may request any Government Medical Officer, to conduct such an examination and send him a copy of form "E" to be filled in by him. A Medical Examiner nominated by the Employer shall be given an opportunity to be present at such post mortem examination and shall either agree or disagree with the findings of the Government Medical Officer. In the event of disagreement the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

12. (b) The Medical Officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissione in form "E" and if silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

13. When once a workman has accepted compensation, he is prohibited from working again as such; but he is not obliged to accept compensation and give up his occupation as such.

14. If a workman continues to work in any of the industries specified in Schedule "A" for a longer period than three months after he had been certified to be suffering from silicosis, he is not entitled to a greater amount of compensation than that to which he was entitled when first certified. But this loss of benefit does not extend to his dependants.

SCHEDULE "A"

Industries involving exposure to the risk of SILICOSIS.

1. Mining --- Gold, Iron and Manganese.
2. Porcelain and Pottery industries.
3. Cement industry.
4. Glass industry.
5. China clay and Talc industries.
6. Sandstone industry.
7. Quarrying or crushing or cutting of stones.
8. Manufacture of bricks and tiles.
9. Foundries and Metal works.

HSC6).8.3.39.

F. W. A.

[illegible]

[illegible]

I, the undersigned workman hereby apply under the [illegible] Silicosis Rules for compensation for silicosis contracted in the course of my employment.

1. Name in full.

2. Address in full.

3. Age, date of birth and relations and children's ages if any dependants.

4. Name of the employer under whom the workman worked last with nature of service.

5. Particulars of earnings.

I hereby solemnly declare that what is stated above is correct.

Signature of the applicant.

To the Registrar of Workmen's Compensation,

..... District,

.....

[illegible] 1926.

The [illegible] APPLICATION [illegible].

[illegible] Section IV [illegible] Rules.

I [illegible] the dependants of the deceased [illegible] workman [illegible] ..... an employee in the (name of the employer or firm) apply for compensation for silicosis contracted by the workman in the course of his employment and as a result of which he died.

1. Name(s) of dependants in full.

2. Address.

3. Age.

4. Relationship to the deceased workman.

5. Occupation.

6. Address of dependants.

7. Name of the deceased workman in full with name of last employer and period of service thereunder.

8. Date of his death.

9. Cause of his death (post-mortem certificate to be attached).

I hereby declare that I am/we are the ..... and that the statements contained in the above application form are true and correct.

Signature of the applicant.

[illegible].
Re

FORM C.

[illegible]

[illegible]

Address of.....Name of concern or firm.....

Name in full.....

Trade or occupation.....

I hereby certify that the above named ~~applicant~~ workman on the .....day of .....19 underwent the examination prescribed by Rule 10 (a) of the Pneumoconiosis Rules of 19 and was then free from any disease of the lungs or respiratory organs and was in other respects physically fit for work in industries specified in Schedule.

Signature of ~~applicant~~ workman.

Date.....

Address.....

This certificate is to be kept carefully and must be produced at the next medical examination.

This certificate expires on..... and will be of no effect after that date.

(F)16.4.1929.
10

FORM D.

[illegible] MINES ACT, 1911.

MEDICAL CERTIFICATE.

Expires on.....

Name in full.....

Address.....

This is to certify that the above named workman on the ..... day of.....19 underwent medical examination prescribed by Sec. 50 (d) of the above Statute and that he was not then suffering from Silicosis.

Signature of the workman.

Dated.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on June..... and would be of no effect after that date.

W.(S.)-3-30.

Form D (a)

The Mysore Silicosis Rules.

EXEMPTION CERTIFICATE.

Expires on.....

Name in full.....

Address.....

This is to certify that the above named workman on the ..... day of .....19 underwent medical examination prescribed by rule (9) (d) of the Mysore Silicosis Rules and that he was found suffering from silicosis. Incipient stage

Signature of workman.

Place.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the ..... and would be of no effect after that date.

(37)6-2-'39.
12

FORM 2.

THE MYSORE SILICOSIS RULES.

REPORT ON POST MORTEM EXAMINATION.

I have this day at.....made a post mortem examination on a body.

Name.....

Address.....

Designation.....

and as a result of my examination I find that
(here state what diseases were found to be present)

and I certify that the cause of the death was.....

.....

and the deceased was (not) at the time of his death suffering from silicosis or

that silicosis was (not) present as a contributing or predisposing factor cause of his death or

that silicosis was a contributing but not a ~~xxxix~~ predisposing cause of his death or

that silicosis was a predisposing but not a contributing cause of his death.

(if silicosis were present as a contributing or a predisposing cause of death state the condition found in the organs stated below:-

Fibrosis (Lungs (Right)
(Left)
Tuberculosis (Right)
Lungs (Left)

any abnormalities in other organs.

Address.....

Date..... Medical practitioner.

(F?)G.S.'38.
12

I+C.113-35-41

Tele { Phone No. 2004
Grams—INDUSCOM.

In reply please quote number, date & short title

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

FROM (Name) M.S.RAMCHENDRA RAO,ESQ.,B.A.,
Director of Industries and Commerce in Mysore,
(Designation)
Station Camp,Channapatna.

To

M.VENKATANARANAPPA,ESQ.,B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

No. F1-120/36-37 Dated 11th April 1939.

Enclosures Four

Envelope with draft Silicosis Rules retained.

GEN. & REVENUE SECRETARIAT. 5956 13 APR. 1939 DEVELOPMENT SECTION.

Subject: Silicosis Rules under the Mysore Workmen's Compensation Act.

***

I have the honour to invite a kind reference to my letter of even number dated 13th March 1939, forwarding for the orders of Government copies of Silicosis Rules under the Workmen's Compensation Act as framed by the Committee appointed by Government and to the note at the end of the Rules in which it was stated that the representatives of the K.G.F.Mining Board have signed subject to a further note in regard to the question of medical examination in the case of workmen who absented themselves from work for short periods.

2. I have now received a communication dated 24th March 1939 from the K.G.F.Mining Board offering some further remarks on the draft Rules as passed by the Committee. A copy of the letter is submitted herewith for the perusal and orders of the Government.

3. In order to facilitate a clear understanding of the points raised by the Mining Board, I am also enclosing for reference copies of the draft Rules as first framed and circulated to the members of the Committee and a copy of the Rules as revised by the Committee at its first meeting.

4. In regard to the definition of the word "underground" in the Rules as finally adopted by the Committee about which the Mining Board have offered some further remarks, I am of the opinion

opinion that the idea of amplifying the definition of "Mining - Gold" in Schedule "A" may be accepted. There is also no objection to Rule 2 (f) in the draft Rules proposed by the Committee being revised on the lines suggested by the Mining Board. The Rule would then read as follows:

> "Mining" as specified in Schedule "A" of these Rules shall be construed as a reference to underground work or employment beneath the surface; to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample crushing or assay office or on any tailings dump."

This will not in any way affect the recommendation of the Committee but would only make the meaning of "underground" in respect of Gold Mining more explicit.

5. In regard to the insertion of a new clause regarding the medical examination of workmen who absent themselves for short periods, this question was discussed at great length at the two meetings of the Committee and the majority of members were of the opinion that such a clause was quite unnecessary and the representatives of the Mining Board also agreed in that view subject to a further note to be submitted by them in consultation with the Mining Board.

6. The Mining Board's letter under advertance deals at some length with this question. Section 10 (1) of the Act adequately safeguards the interests of the employer in regard to the payment of compensation by requiring a workman to prefer his claim within six months from the date of occurrence of the accident preceded by a notice of the accident to be given to the employer as soon as practicable after the happening of the accident and before the workman has voluntarily left the employment in which he was injured. This throws the onus on the workman to get himself medically examined before he leaves his employment either temporarily or

or permanently. In this view I regret I am unable to follow the reasoning of the Board. The Committee after fully deliberating on the point came to the conclusion that the employer's liability was adequately safeguarded in the Act without any such additional provision in the Rules. I should think that there is no need for any such provision to be made in the Rules as suggested by the Mining Board.

7. The Mining Board expresses an apprehension that unless all the provisions now made under the rules are incorporated in the Act itself by amending the Act, it is likely that the liability of the Mining Companies may not be definitely fixed, as according t them, the legal position may be obscure until it has been tested out in Courts. If this suggestion is accepted it would mean introducing extensive amendments to the Act. This, in my view, is quite unnecessary as the Act as well as the Rules thereunder which have t force of law, will be interpreted together by the Courts and there i nothing in the present Rules which is repugnant to any provisions ma in the Act.

8. I have consulted the Chief Inspector of Mines in regard to the Mining Board's proposals and he agrees with me in my views as set out in this communication. A copy of his letter No.2182 dated 5-4-1939 is enclosed for the information of Government.

9. I am informing the Mining Board that I have forwarded thei letter to Government for orders along with the Committee's report which is already before them.

I have the honour to be,
Sir,
Your most obedient servan

M Macnaghten

SRS. DIRECTOR.

DRAFT FINAL NOTE.

Subject:- Bill to amend the Workmen's Compensation Act of 1928.

A memorandum was received from Messrs. John Taylor & Sons on 27th July 1936 on the introduction of legislation governing the grant of compensation to workmen found to be suffering from Silicosis.

The framing of rules regarding Silicosis was considered urgent and the Director of Industries and Commerce suggested that the draft rules ~~may~~ might be framed and carefully examined by a special committee before adoption. In G.O.No.D. 5399-5404/I&C 115-35-36 dated 15th December 1938 a committee was accordingly appointed to examine the question and draft the Silicosis rules. The Director of Industires and Commerce reports that the committee find it necessary to amend the Act in a few points and submits for orders their report together with a draft set of rules ~~along with~~ and draft amendments to the Workmen's Compensation Act of 1928.

With the concurrence of my Learned Member of Council I solicit the gracious approval of His Highness to the general principles of the bill being placed before the ensuing Representative Assembly and the Bill itself before the next Legislative Council.

MEMBER OF COUNCIL.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Bill to amend the Workmen's Compensation Act of 1928

General Principle

Gen. There are no rules in any part of India regulating the grant of compensation to workmen found to be suffering from Silicosis of lungs, - an occupational disease incidental to gold mining & other industries which produce metallic dust. The Workmen's Compensation Act is proposed to be amended by the addition of a clause providing for the grant of compensation to workmen suffering from Silicosis in the scheduled manner considering it to be equivalent to permanent total disablement. Separate scales of compensation for the anti primary & Primary stages are also provided for. In view of the special character of the disease & the large number of workers involved these provisions are to be incorporated

V.25

~~Employer making it obligatory~~

~~on the part of the Workmen to~~
for the observance by the Workmen
~~Union rules~~ the provisions of Rule 9.17

for
the Rules issued and with the "Factories
Factories Rules"

L 70

Bill to amend the Workmen's Compensation Act of 1928.

General Principles.

There are no laws and rules in any part of India relating to the grant of compensation to workmen found to be suffering from silicosis of lungs - an occupational disease incidental to gold mining and other industries which produce mineral dust. The Workmen's Compensation Act is proposed to be amended by the addition of a clause providing for the grant of compensation to workmen suffering from silicosis in the secondary stage considering it to be equivalent to permanent total disablement. Separate scales of compensation for the ante-primary and primary stages are also provided for. In view of the special character of the disease and the large number of workers involved penal provisions are to be incorporated for the strict observance by the workmen of the provisions contained in Rule 9 of the Rules to be issued under the title "The Mysore Silicosis Rules."

MW.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

4 copies (with memo).

Typist to

Statement of Objects and ~~Reasons~~. The introduction of legislation governing the grant of compensation to workmen found to be suffering from silicosis, a disease incidental to gold mining and industries which predominate in Natal, first is found to be necessary in view of the special character of the disease & the large number of workmen involved. A committee was appointed to examine the question & draft the Silicosis Rules. ~~The Committee recommended the amendments~~ ~~As recommended by the Committee~~ Amendments to certain sections of the Workmen's Compensation Act are necessary in order to introduce these rules and these are now proposed as recommended by the special committee.

TYPING SECTION 339

166

24/5

WD 0280—GPB—22,500—14-3-38

BILL FURTHER TO AMEND THE WORKMENS COMPENSATION ACT,1928.

Whereas it is expedient further to amend the Workmens Compensation Act,1928 for the purposes hereinafter appearing, It is hereby enacted as follows:-

Short Title.

1. This Act may be called the Workmen's Compensation (amendment) Act, 193.....

Amendment of section 2 of Act XlV of 1928.

2. In section 2 (j) of the Workmen's Compensation Act,1928 (hereinafter referred to as the said Act) the following shall be substituted for the existing proviso, namely,

'Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any injury or - - combination of injuries specified in Schedule I where the percentage or aggregate percentage of the loss of earning capacity, as specified in that - - Schedule against such injury or injuries, amounts to one hundred percent;'

Amendment of section 31 of Act XlV of 1928.

3. To section 31 of the said Act the following shall be added as sub-section 3 thereof, namely,

'(3) Rules made under this Act may provide that any contravention of such rules shall render the offender liable, on conviction before a magistrate, to a fine not exceeding one hundred rupees.'

Amendment of Schedule 1 of Act XlV of 1928

4. To Schedule I of the said Act the following shall be added in the respective columns shown therin, namely,

Injury.	Percentage of loss of earning capacity.
Silicosis in the ante-primary stage.	20%
Silicosis in the primary stage.	30%
Silicosis in the secondary stage.	100%

Bill further to amend the Workmen's Compensation Act 1928.

Whereas it is expedient further to amend the Workmen's Compensation Act, 1928 for the purposes hereinafter appearing, it is hereby enacted as follows:-

Short Title.

1. This Act may be called the Workmen's Compensation (amendment) Act, 1939.

Amendment of Sec. 2 of Act XIV of 1938.

2. In Section 2(j) of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act) the following shall be substituted for the existing proviso namely,

"Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of boty eyes or from any injury of combination of injuries specified in Schedule I where the percentage or aggregate percentage of the loss of earning capacity, as specified in that Schedule against such injury or injuries, amounts to one hundred percent;

Amendment of Sec.31 of Act XIV of 1928.

3. To Section 31 of the said Act the following shall be added as sub-section 3 thereof, namely,

"(3) Rules made under this Act may provide that any contravention of such rules shall render the offender liable, on conviction before a magistrate, to a fine not exceeding one hundred rupees."

Amendment of Schedule 1 of Act XIV of 1928.

4. To Schedule 1 of the said Act the following shall be added in the respective columns shown therein, namely,

Injury	Percentage of loss of earning capacity
Silicosis in the ante-primary stage.	20%
Silicosis in the primary stage	30%
Silicosis in the secondary stage.	100%

Statement of objects & reasons.

The introduction of legislation governing the grant of compensation to workmen found to be suffering from silicosis - a disease incidental to gold mining and other industries which produce minerals - is found to be necessary in view of the special character of the disease and the large number of workers involved. A Committee was appointed to examine the question and to draft the Silicosis Rules. Amendments to certain sections of the Workmen's Compensation Act are necessary in order to introduce these rules and these are now proposed as recommended by the Special Committee

DRAFT FINAL NOTE.

SUBJECT:- Bill to amend the Workmen's Compensation Act, 1928.

A memorandum was received from Messrs. John Taylor & Sons, on the introduction of Legislation governing the grant of compensation to workmen found to be suffering from Silicosis.

The framing of rules regarding Silicosi was considered urgent and the Director of Industries and Commerce suggested that the draft rules may be framed and carefully examined by a special Committee before adoption. In G.O.No.D.5399-5404/I&C.113-35-36 dated 15-12-1938 a Committee was accordingly appointed to examine the question and draft the Silicosis rules. The Director of I.&.C. submits for orders the report together with a draft set of rules along with draft amendments to the Workmen's Compensation Act of 1928.

I solicit the gracious approval of His Highness to the general principles of the bill being placed before the ensuing Representative Assembly and the Bill itself before the next Legislative Council.

Member of Council.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 10 - 39
Serial No. 1

Diary No. of letter replied to.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 212

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191*

Ordered that the accompanying.....
Act further to amend the Workmens Compensation Act, 1923
.....

which received the assent of His Highness the Maharaja, on the third day of July 1939, be published as ~~Regulation~~ Act No. XIX of 1939, in the *Mysore Gazette* for general information.

Date of issue.....12/7/39.....

Signed by.....Dy. C.S.A.

Secretary to Government.
Law Department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of Spare copies as usual ordered
.....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Copy of Translation sent.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

O R D E R No. P 212 Legs 10-39-1.

Dated Bangalore the 19th July 1939.

Ordered that the accompanying Act further to amend the Workmens Compensation Act, 1928 which received the assent of His Highness the Maharaja, on the Third day of July 1939 be published as Act No.XIX of 1939, in the Mysor Gazette for general information.

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada and for supply of spare copies as per standing orders. 4 clean proofs should be sent to this office for approval by 2 P.M. tomorrow.

cn-3

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

O R D ER No. P 212 Legs' 10-39-1

Dated Bangalore the 10th July 1939.

Ordered that the accompanying Act further to amend the Workmens Compensation Act, 1928 which received the assent of His Highness the Maharaja, on the Third day of July 1939 be published as Act No.XIX of 1939, in the Mysore Gazette for general information.

Secretary to Government
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette in English and Kannada and for supply of spare copies as per standing orders. 4 clean proofs should be sent to this office for approval by 2 P.M. tomorrow.

Copy to Kannada Section.

cn-3

NOTIFICATION.

Order No. P. 212—*Legis.* 10-39-1, *dated Bangalore,*
12*th July* 1939.

Ordered that the accompanying Act further to amend the Workmen's Compensation Act, 1928, which received the assent of His Highness the Maharaja, on the third day of July 1939, be published as Act XIX of 1939, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT XIX OF 1939.

An Act further to amend the Workmen's Compensation Act, 1928.

(*Received the assent of His Highness the Maharaja on the third day of July 1939.*)

Whereas it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short Title. 1. This Act may be called the Workmen's Compensation (Amendment) Act, 1939.

Amendment of Section 2 of Act XIV of 1928. 2. In Section 2 (*j*) of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act), the following shall be substituted for the existing proviso, namely,

"Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any injury or combination of injuries specified in Schedule I where the percentage or aggregate percentage of the loss of earning capacity, as specified in that Schedule against such injury or injuries, amounts to one hundred per cent.

Amendment of Section 31 of Act XIV of 1928. 3. To Section 31 of the said Act, the following shall be added as sub-section (3) thereof, namely,

"(3) Rules made under this Act may provide that any contravention of such rules shall render the offender liable, on conviction before a magistrate, to a fine not exceeding one hundred rupees."

Amendment of Schedule 1 of Act XIV of 1928. 4. To Schedule 1 of the said Act, the following shall be added in the respective columns shown therein, namely :—

Injury	Percentage of loss of earning capacity
Silicosis in the ante-primary stage	20 per cent
Do primary stage	30 do
Do secondary stage	100 do

MIRZA M. ISMAIL,
Dewan.

NOTIFICATION.

No. D. 666—I. & C. 113-35-32, dated Bangalore, 25th July 1938.

In exercise of the powers conferred by Section 31 (1) of the Workmen's Compensation Act XIV of 1928, as amended by Act III of 1936, the Government of His Highness the Maharaja of Mysore are pleased to issue the following amendments to the Workmen's Compensation Rules 1929, the draft amendments in that behalf having been published with Notification No. D. 2260—I. & C. 113-35-22, dated 2nd—13th September 1937, published on pages 237 to 244 of Part IV of the *Mysore Gazette*, dated 16th September 1937.

By Order,

M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

Amendments to the Mysore Workmen's Compensation Rules 1929.

PART I.

Review of half-monthly payments and commutation thereof.

"Omit sub-rule (*d*). Read sub-rule (*e*) as sub-rule Ru
(*d*) and insert the following as sub-rule (*e*).

"Either by the employer or by the workman on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record."

PART II.

Deposit of compensation and registration of dependants.

Under sub-rule (1), after the words "An employer depositing compensation with the Commissioner under sub-section (1) of section 8," insert the following words :—

"In respect of a workman whose injury has resulted in death."

Insert the following after the words "Form B" appearing under sub-rule (1).

"In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form "AA" and shall be given a receipt in Form 'B'."

Under sub-rule (2) delete the words, "if in the statement referred to in sub-rule (1) the employer indicates" and substitute the following :—

"If when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1)."

After the words, "in respect of whose death" add the words "Or injury."

For sub-rule (1) substitute the following sub-rule :—

"A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in from 'G'

For the heading "Procedure where no compensation deposited" appearing against sub-rule (1) of rule 8, substitute the following heading :—

"Application by dependants for deposits of compensation."

In sub-rule (2) before the words, "The Commissione shall dispose of", insert the words "If compensation has not been deposited."

Substitute the following rule for rule 10 "Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government Securities or may be deposited in a Government Savings Bank."

PART III.

For the title " Inquiry by employer " appearing under Part III, substitute the following title :—

" Reports of Accidents."

Insert the following rule as rule 12 before sub-rule (1) of rule 12. Rule 12.

" The report required by section 10-B shall, subject to such rules, if any, as may be made by Government be in the form " EE."

Insert the heading " Report of fatal accidents " against rule 12.

Read rule 12 (1) as rule 12-A (1) and substitute the words " who has received information of an accident " for the words " to whom notice of an accident has been given " appearing under this rule.

Substitute the words " Information received " for the words " Notice given " appearing in the heading against Rule 12-A (1).

PART V.

PROCEDURE.

Substitute the following for sub-rule (1) of rule 21. Rule 21

" On receiving such application, the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner."

After sub-rule (2) insert the following sub-rules as sub-rules 3 and 4. Rule 37.

(3) " If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified, by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to

the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in Form "JJ."

(4) "If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice in Form "JJ" or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just."

Substitute the following sub-rule for sub-rule (3) and re-number it as sub-rule (5).

"In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify."

Insert the following rule as rule 39-A after rule 39.

"Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

FORMS.

Substitute the following Form for Form "A".

After Form "A" insert the following form as Form "AA."

In Form 'C' after the column "Amount deposited" nsert the following column :— Form "C."

"Amount deducted and repaid to the employer nder the proviso to section 8 (1)."

In Form 'D' after the words "Non-fatal accidents" dd the words "Other than to a woman or person under egal disability." Form 'D.'

After Form 'E' insert the following form as form EE.' Form 'E.'

Omit the word "Not" appearing under item No. 4 (*a*) of form 'F.' Form 'F.'

Delete the words "To determine the following questions in dispute, namely" appearing below item No. 7 and substitute the following :— Form 'G.'

"To award to the applicant the said compensation or any other compensation to which he may be entitled."

Delete the clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) appearing below item No. 7.

After Form 'J' insert the following form as Form 'JJ.' Form

After Form 'M' insert the following forms namely Form 'N', Form 'O', Form 'P', Form 'Q' and Form 'R' published on pages 25 to 50 of Part III of the *Mysore Gazette*, dated 7th March 1929. Form 'M.'

FORM A.

[(*See Rule 6 (1)*].

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

:ction 8 (1) of the Workmen's Compensation
Regulation.)

Compensation amounting to Rs. .....is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on.....

To be filled in if available.
- Name.....
- Father's name...
- (Husband's name in case of married woman or widow)
- Caste.....
- Local address.....
- Permanent address.....

His/Her monthly wages are estimated at Rs. ... He was over/under th age of 15 years at the time of his/her death.

2. The said workman had, prior to the date of his/her death receive the following payments as compensation for disablement, namely :—

Rs. .....on.....Rs. ..... on.....

Rs. .....on.....Rs. .....on.....

Rs. .....on.....Rs. .....on.....

amounting in all to Rs. .....

3. An advance of Rs. .....has been made on account compensation to.....being his/her dependant.

4. * I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated.....*19* .....

Employer.

* An employer desiring to be made a party to the proceedings should strike out the words "do not."

FORM AA.

[(*See Rule 6 (1)*].

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY.

(*Section 8 (1) of the Workmen's Compensation Regulation*).

Compensation amounting to Rs. .....is hereby presented for deposit in respect of injuries sustained by..... residing at.....on..... .19 , resulting in the $\frac{\text{loss of}}{\text{temporary disablement}}$ $\frac{\text{His}}{\text{Her}}$ monthly wages are estimated at Rs. ..... $\frac{\text{He}}{\text{She}}$ was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of the accident.

2. The said injured workman has prior to the date of the deposit received the following half-monthly payments, namely :—

Rs. .....on.....Rs. .....on.....
Rs. .....on.....Rs. .....on.....
Rs. .....on.....Rs. .....on.....

Dated.....19 *Employer.*

FORM EE.

[(*See Rule 12*).]

REPORT OF FATAL ACCIDENTS.

To

.....

SIR,

I have the honour to submit the following report of an accident which occurred on.....(date), at.....(here enter details of premises) .... and which resulted in the death of the $\frac{\text{workman}}{\text{workmen}}$ of whom particulars are given in the statement annexed.

2. The circumstances attending the death of the $\frac{\text{workman}}{\text{workmen}}$ were as under :—

(*a*) Time of the accident.
(*b*) Place where the accident occurred.
(*c*) Manner in which deceased $\frac{\text{was}}{\text{were}}$ employed at the time.
(*d*) Cause of the accident.
(*e*) Any other relevant particulars.

I have, etc.,
Signature, and designation of person making the report.

Statement.

Name	Sex	Age	Nature of employment	Full postal address

FORM JJ.

NOTICE.

Whereas a claim for compensation has been made by..... applicant, against..... .....and the said..... has claimed that.....is liable under Section 12 (2) of the Workmen's Compensation Regulation, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said..... .....on notice served has claimed that you.....stand to him in the relation of a contractor from whom the applicant..... .....could have recovered compensation you are hereby informed that you may appear before me on..... and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to admit the validity of any award made against the opposite party..... and your liability to indemnify the opposite party.....or any compensation recovered from him.

Dated..... ..19 .....

Commissioner.

FORM N.

See Rule 46.)

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas..... has/have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, notice is hereby given that the said agreement will be taken into consideration on.....19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Dated.....19 .....

Commissioner.

FORM O.

See Rules 46 and 4

Take notice that registration of the agreement to pay compensation said to have been reached between you..... .....and on the..... .....19 , has been refused for the following reasons, namely :—

.....

....

Dated.....19 .....

Commissioner.

FORM P.

(*See Rule 47.*)

Whereas an agreement to pay compensation is said to have been reached between.....and.....and whereas..... has/have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

.....

an opportunity will be afforded to you of showing cause on.. ....19 why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated.....19 .....

Commissioner.

FORM Q.

(*See Rule 47.*)

Whereas an agreement to pay compensation is said to have been reached between.....and.....whereas..... has/have applied for registration of the agreement under section 27 of the Workmen's Compensation Regulation, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

.....

an opportunity will be afforded to the said..... of showing cause on.....19 .....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated.....19 .....

Commissioner.

FORM R.

(*See Rule 49.*)

REGISTER OF AGREEMENTS FOR THE YEAR 19

Serial Number	Date of agreement	Date of registration	Employer	Workman	Initials of Commissioner	Reference to orders rectifying the register

Dated.....19 .....

Commissioner.

Printed by the Superintendent at the Government Press, Bangalore.